

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

BRENNAN M. GILMORE,

Plaintiff

V.

ALEXANDER (“ALEX”) E. JONES;
INFOWARS, LLC, a Texas Limited Liability
Company; FREE SPEECH SYSTEMS, LLC, a
Texas Limited Liability Company; LEE
STRANAHAN; LEE ANN MCADOO A/K/A
LEE ANN FLEISSNER;
SCOTT CREIGHTON; JAMES (“JIM”)
HOFT; ALLEN B. WEST; and DERRICK
WILBURN,

Defendants.

Case No. 3:18CV00017

JURY TRIAL DEMANDED

COMPLAINT

NOW COMES Plaintiff Brennan Gilmore, by and through undersigned counsel, and alleges upon knowledge and belief as follows:

I. INTRODUCTION

Brennan Gilmore works to provide jobs and training in rural areas, participates in local politics, and plays music around the Commonwealth of Virginia. As a Foreign Service Officer, Mr. Gilmore has devoted his career to promoting United States interests and to protecting American citizens through diplomatic efforts abroad. On August 12, 2017, Mr. Gilmore witnessed firsthand James Alex Fields Jr., a neo-Nazi, deliberately drive his Dodge Challenger into a crowd of peaceful protesters, killing Heather Heyer and injuring many others. Mr. Gilmore, who had been filming the protesters as they moved up the street, happened to catch Fields' attack on video. Mr.

Gilmore posted the video on Twitter, where it attracted the attention of the press. After discussing what he had witnessed that day with a number of reporters, Mr. Gilmore soon became the target of right-wing conspiracy theories. Supporters of the alt-right and the “Unite the Right rally,” including the defendants, created a new identity for Mr. Gilmore—the organizer and orchestrator of Fields’ attack and a traitor to the United States. Defendants’ lies about Mr. Gilmore quickly mobilized their army of followers to launch a campaign of harassment and threats against Mr. Gilmore that continue to this day.

Supporters of the “Unite the Right” rally, including Defendants, faced a crisis of legitimacy when a fellow supporter murdered Heather Heyer in cold blood. Defendants needed a scapegoat to create distance between the ideology they promote and Heyer’s murder. Given Mr. Gilmore’s connections to Democratic politicians and the State Department, Defendants thought they had their scapegoat in Mr. Gilmore, and attacked his presentation of the sequence of events based on his political leanings. But Defendants did more than just twist the publicly available information about Brennan; Defendants created a new identity for Mr. Gilmore out of whole cloth. All Mr. Gilmore had done was share the truth about the tragic and traumatic act he regrettably witnessed. For a man who has devoted his life to serving his local community, the Commonwealth, the United States, and the global community, Defendants’ absurdly false portrayal of him, and the harassment that followed, was devastating.

Defendants thrive by inciting devastating real-world consequences with the lies they publish as “news.” From “Pizzagate” to the Sandy Hook and Las Vegas shootings, Defendants have subjected innocent people to relentless threats of violence and death, bullying, and online harassment. Defendants’ use of Mr. Gilmore as a tool for their agenda had immediate, tangible consequences for Brennan and his family. A list of Brennan and his parents’ known addresses

was posted online, prompting local law enforcement to patrol his parents' home. Brennan suffered from an overwhelming volume of hate mail and death threats, hacking attempts, and even in-person harassment on the streets of Charlottesville.

To this day, Brennan suffers the effects of this character assassination: his career as a diplomat has been compromised, he has lost potential partners and clients in his most recent business venture, and his social relationships have been irreversibly damaged.

Fact-based journalism is essential to our democracy, because it provides citizens with objective, reality-based information on issues of public concern. Defendants are not fact-based journalists. Defendants spread lies to construct false narratives that terrify a gullible audience, all in a desperate attempt to generate revenue and momentum for a hateful agenda. The First Amendment necessarily creates space for democratic debate, but it does not and cannot protect the spread of deliberate lies driven by hate and designed to incite violence against private citizens. In this era of ubiquitous smartphones and social media saturation, ordinary citizens like Mr. Gilmore increasingly find themselves in situations where they capture breaking news and are compelled out of civic duty to share it. The consequences for fulfilling this civic duty cannot include becoming the target of premeditated character assassination, based on lies and carried out by professional conspiracy theorists instrumentalizing their throngs of followers.

Brennan Gilmore told the truth about what he saw in Charlottesville, and he refuses to be intimidated and silenced by Defendants' dangerous and defamatory lies.

II. JURISDICTION AND VENUE

1. This action arises under Virginia law.
2. This Court has subject matter jurisdiction pursuant to Article III of the United States Constitution and 28 U.S.C. § 1332. The amount in controversy exceeds \$75,000, exclusive

of interests and costs, and there is diversity of citizenship.

3. This Court has personal jurisdiction over Defendants under Virginia's long-arm statute, Va. Code § 80.1-328.1(A)(4), as well as the Due Process Clause of the United States Constitution.
4. Defendants injured Plaintiff Gilmore in the Commonwealth of Virginia by their conduct outside the Commonwealth.
5. Plaintiff Gilmore suffered threats and harassment in the Commonwealth of Virginia so severe that he sought the protection of local police.
6. Defendants' defamatory statements were directed at and received by individuals and businesses in Virginia, and as a result, Plaintiff Gilmore has experienced irreversible personal and professional damage in Virginia, including the loss of business opportunities in Virginia, irreparable damage to his career as a Foreign Service Officer, and the loss of friendships with individuals in Virginia.
7. Upon information and belief, Defendants regularly do and/or solicit business in the Commonwealth, engage in other persistent courses of conduct, or derive substantial revenue from goods used or consumed or services rendered in the Commonwealth.
8. Defendants solicit donations on their websites or blogs, advertise their own products on their websites, blogs, or in their articles or videos, and/or derive revenue from advertisements that are placed on their websites and blogs, or within their articles or videos. The traffic to these websites and purchases or donations made on these websites, including by individuals in the Commonwealth of Virginia, leads directly or indirectly to the revenue received by the Defendants.

9. Exercising jurisdiction over the defendants would not offend traditional notions of fair play and substantial justice because the defendants deliberately targeted Mr. Gilmore, a Virginia resident, by making false and defamatory statements about his presence at and observation of an event that took place in Virginia, which was of particular importance to local Virginians.
10. Defendants therefore should have foreseen that they would be forced to answer for their tortious conduct, and the resulting injuries to Mr. Gilmore, in a Virginia court.
11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim occurred in Charlottesville, Virginia and Lexington, Virginia.

III. PARTIES

12. Plaintiff Brennan Gilmore is a resident of Albemarle County, Virginia. Mr. Gilmore is currently on long-term unpaid leave from the United States State Department, where he is employed as a Foreign Service Officer. He previously served as chief of staff to Tom Perriello during the latter's 2017 campaign for the Virginia governorship. Mr. Gilmore currently serves as Vice President for Operations of Wize Solutions, LLC, an information technology company founded in 2017.
13. Defendant Alexander "Alex" E. Jones is a resident of Austin, Texas, and the owner and publisher of the website *InfoWars*,¹ as well as the host of various radio- and web-based shows linked to *InfoWars*. Defendant Jones' website published a video containing false and defamatory statements about Mr. Gilmore entitled *Bombshell Connection Between*

¹ See INFOWARS, <https://www.infowars.com> (last visited Dec. 11, 2017).

Charlottesville, Soros, CIA on August 15, 2017,² and another video entitled *Breaking: State Department/CIA Orchestrated Charlottesville Tragedy* on August 21, 2017.³

14. Defendant *InfoWars* is a Texas limited liability company that operates as a purported news website. *InfoWars* published the above-mentioned articles and videos containing false and defamatory statements about Mr. Gilmore. According to *New York Magazine*, the “vast majority” of Defendant *InfoWars*’ operating revenue comes from the sale of *InfoWars*-branded dietary supplements.⁴ Upon information and belief, Defendant *InfoWars* sold and delivered its dietary supplements to persons residing in Virginia and used that revenue to publish defamatory statements against Mr. Gilmore. In addition, *InfoWars* reporters attended and reported on the “Unite the Right” rally in Charlottesville.⁵
15. Defendant Free Speech Systems, LLC is a Texas limited liability company that operates Infowars.com.. According to the Free Speech Systems, LLC Media Kit, Defendant Alex Jones is the owner of Defendant Free Speech Systems, LLC.⁶ According to the InfoWars website, where Defendants Jones, McAdoo, and Stranahan’s defamatory statements were published, “Infowars.com is a Free Speech Systems, LLC website.”⁷ According to the *InfoWars* Store, purchases of Defendant *InfoWars*’ dietary supplements may result in a

² Lee Ann McAdoo, *Bombshell Connection Between Charlottesville, Soros, CIA*, INFOWARS (Aug. 15, 2017), <https://www.infowars.com/bombshell-connection-between-charlottesville-soros-cia>.

³ The Alex Jones Show, *Breaking: State Department/CIA Orchestrated Charlottesville Tragedy*, INFOWARS (Aug. 21, 2017), <https://www.infowars.com/breaking-state-departmentcia-orchestrated-charlottesville-tragedy/>. The accompanying video was shared via Defendant Jones’ *YouTube* channel the day before, on August 20, 2017.

⁴ See Seth Brown, *Alex Jones’s Media Empire Is a Machine Built to Sell Snake-Oil Diet Supplements*, N.Y. MAGAZINE (May 4, 2017), <http://nymag.com/selectall/2017/05/how-does-alex-jones-make-money.html>.

⁵ See, e.g., *Infowars Attacked by Antifa!* INFOWARS (Aug. 13, 2017), <https://www.infowars.com/infowars-attacked-by-antifa/>.

⁶ *Free Speech Systems, LLC Media Kit*, INFOWARS, http://static.infowars.com/ads/mediakit_public.pdf (last visited Feb. 20, 2018).

⁷ See, e.g., *Contact*, INFOWARS, <https://www.infowars.com/contact/> (last visited Feb. 20, 2018).

billing entry on the purchaser's credit card as "Free Speech Systems, LLC or Magnolia Management."⁸

16. Defendant Lee Stranahan is a resident of Dallas, Texas, and was featured in the video that was posted by *InfoWars* on August 15, 2017. In this video, Defendant Stranahan made false and defamatory statements about Mr. Gilmore. Defendant Stranahan is a former employee of the website *Breitbart News* and a current employee of *RT*, a Russian state-funded and -operated television network that was recently forced to register with the Department of Justice as a foreign agent.⁹ Defendant Stranahan operates the Citizen Journalism School,¹⁰ the corporate structure of which is currently unknown. Defendant Stranahan also operates the political journalism website *The Populist*,¹¹ where he solicits donations via a PayPal account registered to Stranahan Strategies, LLC,¹² an inactive Texas limited liability company. Upon information and belief, Defendant Stranahan is currently living and working in the Washington, D.C. metropolitan area.
17. Defendant Lee Ann McAdoo, also known as Lee Ann Fleissner, (referred to herein as "McAdoo") is a resident of Austin, Texas. She is the author of the article containing false and defamatory statements about Mr. Gilmore that was published by Defendant *InfoWars* on August 15, 2017, as well as the interviewer of Defendant Stranahan in the video that accompanies the article. In the article and the video, Defendant McAdoo makes false and defamatory statements about Mr. Gilmore. Ms. McAdoo is employed as a "reporter" at

⁸ *The InfoWars Store*, ALEX JONES' INFOWARS STORE, <http://infowars-shop.stores.yahoo.net/info.html> (last visited Feb. 20, 2018).

⁹ Jack Stubbs & Ginger Gibson, *Russia's RT America Registers as 'Foreign Agent' in U.S.*, REUTERS (Nov. 13, 2017), <https://www.reuters.com/article/us-russia-usa-media-restrictions-rt/russias-rt-america-registers-as-foreign-agent-in-u-s-idUSKBN1DD25B>.

¹⁰ See CITIZEN JOURNALISM SCHOOL, <https://citizenjournalismschool.com/> (last visited Jan. 25, 2018).

¹¹ See THE POPULIST, <http://populist.tv/> (last visited Feb. 20, 2018).

¹² *Stranahan Strategies, LLC*, PAYPAL, <https://www.paypal.me/LeeStranahan> (last visited Feb. 20, 2018).

InfoWars. Upon information and belief, Defendant McAdoo may currently reside in the state of Florida.

18. Defendant Scott Creighton is a resident of Tampa, Florida, and the owner and author of the blog *American Everyman*.¹³ Defendant Creighton wrote and published an article containing false and defamatory statements about Mr. Gilmore entitled *Charlottesville Attack, Brennan Gilmore and... the STOP KONY 2012 Pysop? What?* on August 13, 2017.¹⁴ That same day, Defendant Creighton published a video containing false and defamatory statements about Mr. Gilmore on his now-terminated *YouTube* channel, entitled *Charlottesville Attack: Brennan Gilmore – Witness or Accessory?*¹⁵ On or about February 28, 2018, *YouTube* deleted Creighton's account *American Everyman* for allegedly violating *YouTube*'s Terms of Service.¹⁶
19. Defendant James "Jim" Hoft is a resident of St. Louis, Missouri, and owner and author of the website *Gateway Pundit*.¹⁷ On August 14, 2017, Defendant Hoft wrote and published an article containing false and defamatory statements about Mr. Gilmore entitled *Random Man at Protests Interviewed by MSNBC, NY Times Is Deep State Shill Linked to George Soros*.¹⁸

¹³ See AMERICAN EVERYMAN, <https://willyloman.wordpress.com> (last visited Dec. 11, 2017).

¹⁴ Scott Creighton, *Charlottesville Attack, Brennan Gilmore and... the STOP KONY 2012 Pysop? What?*, AMERICAN EVERYMAN (Aug. 13, 2017), <https://willyloman.wordpress.com/2017/08/13/charlottesville-attack-brennan-gilmore-and-the-stop-kony-2012-pysop-what>.

¹⁵ AmericanEveryman, *Charlottesville Attack: Brennan Gilmore - Witness or Accessory?*, YOUTUBE (Aug. 13, 2017), https://www.youtube.com/watch?v=5_1JSC60gkg. As of February 28, 2018, Defendant Creighton's American Everyman YouTube channel has been deleted, and the video is no longer viewable on YouTube. See *infra* note 16.

¹⁶ See Scott Creighton, *My YouTube Account Has Been Terminated...for Exposing Disinformation*, AMERICAN EVERYMAN (Feb. 28, 2018), <https://americaneveryman.com/2018/02/28/my-youtube-channel-has-been-terminated-for-exposing-disinformation/>.

¹⁷ See GATEWAY PUNDIT, <http://www.thegatewaypundit.com> (last visited Dec. 11, 2017).

¹⁸ Jim Hoft, *Random Man at Protests Interviewed By MSNBC, NY Times Is Deep State Shill Linked to George Soros*, GATEWAY PUNDIT, <http://www.thegatewaypundit.com/2017/08/random-man-protests-interviewed-msnbc-ny-times-deep-state-shill-linked-george-soros> (last visited Dec. 11, 2017).

20. Defendant Allen B. West is a resident of Dallas, Texas, and owner of the website bearing his own name, *Allen B. West*.¹⁹ Defendant West's website published an article containing false and defamatory statements about Mr. Gilmore entitled *BOMBSHELL: New evidence suggests Charlottesville was a complete SET-UP* on August 19, 2017.²⁰ Defendant West previously represented Florida's 22nd congressional district in the U.S. House of Representatives and is a regular contributor on *Fox News*.
21. Defendant Derrick Wilburn is a resident of Colorado Springs, Colorado, vice chairman of Colorado's Republican Party, and the author of the article defaming Mr. Gilmore that was published by Defendant Allen B. West on the latter's website.

IV. FACTUAL ALLEGATIONS

A. The "Unite the Right" Rally

22. On August 12, 2017, hundreds of white supremacists and neo-Nazis gathered in Charlottesville, Virginia for what they labeled the "Unite the Right" rally. The rally was held in Charlottesville in response to decisions by the Charlottesville City Council to remove a statute of Confederate General Robert E. Lee from a small city park and change that park's name from "Lee Park" to "Emancipation Park."
23. These white supremacists and neo-Nazis organized the rally to further their ideologies of hatred and to intimidate the residents of Charlottesville. Many marched with swastikas, chanting the Nazi call, "blood and soil," in reference to the notion that ethnicity and blood descent is determinative of entitlement to the land. Some of the rally's participants carried

¹⁹ ALLEN B. WEST, <https://www.allenwest.com> (last visited Dec. 11, 2017).

²⁰ Derrick Wilburn, *BOMBSHELL: New evidence suggests Charlottesville was a complete SET-UP*, ALLEN B. WEST (Aug. 19, 2017), <https://www.allenwest.com/2017/08/19/bombshell-new-evidence-suggests-charlottesville-complete-set>.

firearms, wore body armor, and deliberately positioned themselves to create violent clashes with counter-protesters.²¹

24. The counter-protesters came from many backgrounds, united in opposition to white supremacy. Many were ordinary residents of Charlottesville and neighboring communities. Mr. Gilmore was among the peaceful counter-protesters on August 12.
25. On the morning of August 12, rally participants and counter-protesters met at the site of the anticipated rally. Pockets of each side engaged in physical altercations; Mr. Gilmore and the vast majority of counter-protesters remained peaceful. By 11:40 a.m., twenty minutes before the “Unite the Right” rally was to begin, the state police declared the gathering an unlawful assembly and ordered the crowd to disperse.²²

B. James Alex Fields Jr. 's Attack

26. At or around 1:42 p.m., following the aborted rally, James Alex Fields Jr. drove his Dodge Challenger into a crowd of peaceful counter-protesters, killing one, Heather Heyer, and injuring approximately thirty-six others. Fields is a neo-Nazi sympathizer and has been charged with multiple felonies related to his deliberate act of terror.²³ Attorney General Jefferson Sessions stated that this attack by a white supremacist was an act of domestic terrorism.

²¹ See David Frum, *The Chilling Effects of Openly Displayed Firearms*, ATLANTIC (Aug. 16, 2017), <https://www.theatlantic.com/politics/archive/2017/08/open-carry-laws-mean-charlottesville-could-have-been-graver/537087/>.

²² See Doug Stanglin and Gabe Cavallaro, *1 dead, 19 Injured as Car Hits Crowd after a “Unite the Right” Rally in Charlottesville; Driver in Custody*, USA TODAY (Aug. 12, 2017), <https://www.usatoday.com/story/news/2017/08/12/charlottesville-va-braces-alt-right-rally-thousands-robert-e-lee-statue/561833001/>.

²³ See Jonah Engel Bromwich and Alan Blinder, *What We Know About James Alex Fields, Driver Charged in Charlottesville Killing*, N.Y. TIMES (Aug. 13, 2017), <https://www.nytimes.com/2017/08/13/us/james-alex-fields-charlottesville-driver-.html>.

27. Mr. Gilmore noticed Fields' Dodge Challenger driving toward the crowd after he had already begun recording a gathering of counter-protesters marching up Fourth Street in Charlottesville. His immediate reaction was to continue to record the event on his smartphone. In the video, Mr. Gilmore happened to catch the Challenger ramming into the crowd, and then reversing in flight from the scene.
28. Mr. Gilmore was conflicted about sharing the recording of the attack publically. He did not want the attention that sharing the video on social media might bring, and he was uncomfortable about sharing a recording of what he assumed at the time was a video capturing multiple deaths. He felt it necessary to share the video on his *Twitter* account after hearing from family and friends that media outlets were suggesting the incident was something other than a deliberate attack. Mr. Gilmore realized his recording unequivocally showed that the attack was a deliberate attempt to injure and kill peaceful counter-protesters—not an accident or act of self-defense. Mr. Gilmore also feared that an already violent day in Charlottesville could get worse, and he felt it was his duty to help convince the public to stay off the streets until safety was reestablished.
29. Out of concern for his friends and neighbors, Mr. Gilmore decided to share the video via a tweet, a short statement posted along with the video to his Twitter account. Many of his followers are also from the Charlottesville area.



30. Not long after he shared the video on his *Twitter* account, Mr. Gilmore began to receive media requests from national, local, and international outlets. He was first contacted by Brian Rosenthal of the New York Times on August 12, 2017 via *Twitter*. More requests for interviews followed.
31. Mr. Gilmore spoke with multiple television news networks and other news media on August 12 and 13, 2017. Each time he was asked, he relayed his account of what he had witnessed first-hand, hoping that by making himself available in this way he could convey the seriousness and certainty of what he had seen and condemn the hate-filled display and violence at the “Unite the Right” rally.

C. Conspiracy Theories About the Attack

32. Within twenty-four hours of uploading his video onto *Twitter*, the Defendants’ first blog posts about Mr. Gilmore appeared online, accusing him of being a CIA or “deep state”

operative who helped orchestrate Fields' attack as a "false flag." Defendants continued to direct baseless allegations against him in the days and weeks that followed.

33. In the early hours of August 13, 2017, Defendant Scott Creighton published an article entitled "*Charlottesville Attack, Brennan Gilmore and... the STOP KONY 2012 Pysop? What?*" on his website, *AmericanEveryman*,²⁴ and shared a link to the article with his 1,139 followers on *Twitter*.²⁵ See **Exhibit A**. *AmericanEveryman* is a self-published blog that receives hundreds of unique visitors each month. Defendant Creighton subsequently republished the article on at least two other websites.²⁶ See **Exhibits B-C**.
34. In this article, Defendant Creighton notes Mr. Gilmore's experience as a Foreign Service Officer in the Central African Republic and his work as chief of staff to Tom Perriello. On the basis of these facts, along with Mr. Gilmore's statement of belief that the attack was an act of terrorism, Defendant Creighton concludes that Mr. Gilmore cannot have been a mere bystander who happened to record the attack. Instead, Mr. Creighton concludes that Mr. Gilmore must have been a "disgruntled former [State Department] employee" looking to undermine the Trump administration:

[I]s it possible this man with links to Special Ops and CIA and various other black ops kinds of actors just HAPPENED to be there at that particular moment in history? Yeah, I guess that's possible, if you're into coincidence theories I suppose. But I'm not into such things. Clearly the State Department has a lot of disgruntled former employees who would delight in destabilizing Trump's tenure even more than they already have. And Gilmore . . . seem[s] particularly invested in undermining the "alt-right" in the lead-up to the next round of elections. Waaaaaay [*sic*] too much coincidence for me folks. Waaaaaay [*sic*] too much.

²⁴ See Creighton, *Charlottesville Attack*, *supra* note 14.

²⁵ See Scott Creighton (@willyloman1), TWITTER (Aug. 13, 2017 07:22 AM), <https://twitter.com/willyloman1/status/896693520400080897>.

²⁶ See, e.g., Scott Creighton, *Charlottesville Attack, Brennan Gilmore and... the Stop Kony 2012 PYSOP? What?*, SIGNS OF THE TIMES (Aug. 13, 2017), <https://www.sott.net/article/359361-Charlottesville-Brennan-Gilmore-and-the-STOP-KONY-2012-Psyop>; Scott Creighton, *Charlottesville Attack, Brennan Gilmore and... the Stop Kony 2012 PYSOP? What?*, BEFORE IT'S NEWS (Aug. 13, 2017), <http://beforeitsnews.com/opinion-liberal/2017/08/charlottesville-attack-brennan-gilmore-and-the-stop-kony-2012-pysop-what-2558822.html>.

35. In an illustrative comment, one of Mr. Creighton's followers on *Twitter* commends him for being the "first on the scene" in uncovering this "psyop" (short for "psychological operation," a term used to describe covert operations).²⁷
36. In a companion video entitled "*Charlottesville Attack – Brennan Gilmore: Witness or Accessory*," (see **Exhibit D**) uploaded to his *YouTube* channel with the account name "AmericanEveryman" that same day, Defendant Creighton repeats and expands upon the allegations contained in the article he published on his website.²⁸

CREIGHTON: He just happened to be there, at the specific place, where he could film the whole thing, from beginning, middle, to end. He just happened to have his camera running, he just happened for some reason to record this car driving for five seconds, before it did anything out of the ordinary, and just happened to have just the right message, just the right establishment message for CNN . . .

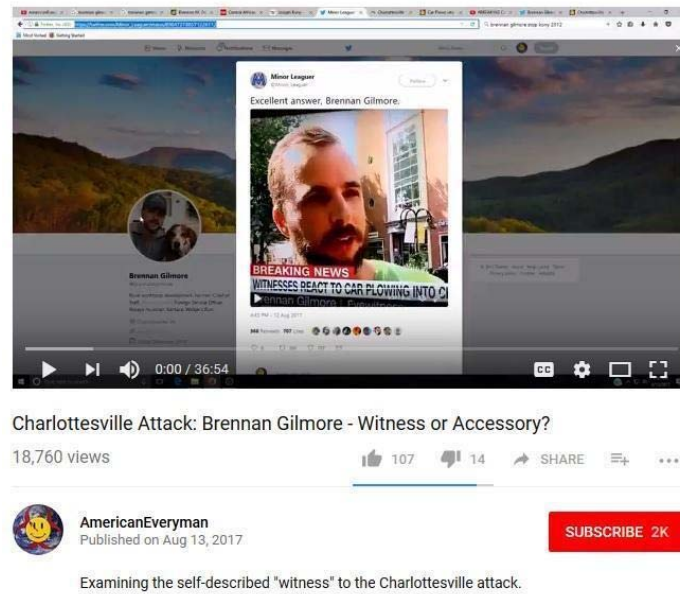
He has ties to special operations, special forces, CIA, State Department, Hillary Clinton, and Tom Perriello, who has a long career of doing this kind of thing. People will call me a conspiracy theorist because what I am suggesting here is that someone had foreknowledge, that this event was going to happen . . . This man has every reason to want to see the support, the base for Donald Trump again mischaracterized as Nazis. He has every reason to do that . . .

This guy just happens to be on that fucking corner with his camera rolling, watching that car drive by for five seconds, and he's former State Department, and close to Tom Perriello, who is also former State Department obviously, he's got a fucking ax to grind, that's one hell of a goddamn coincidence, and you got to be a special kind of stupid to buy that.

37. Mr. Creighton's *YouTube* channel has over 2,000 subscribers. As of January 2018, Defendant Creighton's video about Mr. Gilmore had been watched nearly 19,000 times.

²⁷ See Joshua Roberts (@Joshua_Roberts_), TWITTER (Aug. 13, 2017 07:43 AM), https://twitter.com/Joshua_Roberts_/status/896698814865735681.

²⁸ See AmericanEveryman, *Charlottesville Attack*, *supra* note 15.



38. The next morning, on August 14, 2017, Defendant James Hoft published “*Random Man at Protests Interviewed by MSNBC, NY Times Is Deep State Shill Linked to George Soros*” on his website *Gateway Pundit*.²⁹ See **Exhibit E**. The *Gateway Pundit* website is viewed approximately 15 million times every month, and considers itself to be the “voice of Middle America.” Lucian B. Wintrich, the Washington, D.C. correspondent for *Gateway Pundit*, was granted temporary press credentials by the Trump administration and was thus able to attend White House press briefings and ask questions of the press secretary.³⁰
39. In this article, Defendant Hoft asserts unequivocally that Mr. Gilmore is “a deep state shill” who is part of the State Department’s attempt to cover up its involvement in instigating the attack in Charlottesville:

The random Charlottesville observer who was interviewed by MSNBC and liberal outlets turns out to be a deep state shill with links to George Soros. It looks like the State Department was involved in Charlottesville rioting and is trying to cover it up. But after [the] Deep State got caught they are

²⁹ See Jim Hoft, *Random Man at Protests*, *supra* note 18.

³⁰ Michael M. Grynbaum, *White House Grants Press Credentials to a Pro-Trump Blog*, N.Y. Times (Feb. 13, 2017), <https://www.nytimes.com/2017/02/13/business/the-gateway-pundit-trump.html>.

trying to erase this guy from their records . . . The State Department is very familiar with Brennan Gilmore. He was involved in the Kony 2012 operation. The State Department later removed any reference of Brennan. Why would the State Department react in such a way? . . . This weekend Brennan Gilmore happened to be in Charlottesville with the rioters. The media knows exactly who he is yet played it off like a casual observer.

40. Defendant Hoft shared a link to the article with his 83,000 followers on *Twitter*.³¹ These followers quickly re-posted and shared the article over one hundred times, and they responded with comments such as “Instigated by the Left—as has been happening for years now!”³²
41. On August 15, 2017, Defendant *InfoWars*, a website owned and operated by Defendant Alex Jones, published an article authored by Defendant Lee Ann McAdoo and an accompanying video, both entitled “*Bombshell Connection Between Charlottesville, Soros, CIA*.”³³ See **Exhibit F**. In this video, Defendant Lee Ann McAdoo interviews Defendant Lee Stranahan about the Charlottesville protests and the attack by James Alex Fields Jr. Defendant Stranahan, a former employee of *Breitbart News* and current employee of *RT*, a television network funded by the Russian government, suggests that Heather Heyer may have been a “martyr” created by “Soros-funded NGO’s” to orchestrate a “regime change” in the United States. Defendant Stranahan makes clear he believes that Mr. Gilmore was the lynchpin in this alleged attempt by left-wing organizations to lay the groundwork for staging a coup:

STRANAHAN: If you go to Brennan Gilmore’s page, his Twitter page, you’ll see he has a picture of the young woman who was murdered, and you know what it says? “Martyr.” . . . Literally it says “martyr.” You can’t be

³¹ Jim Hoft (@gatewaypundit), TWITTER (Aug. 14, 2017 10:10 AM), <https://twitter.com/gatewaypundit/status/897098093795135488>.

³² Stu Cvrk (@STUinSD), TWITTER (Aug. 14, 2017 04:39 PM), <https://twitter.com/STUinSD/status/897195912342130688>.

³³ Lee Ann McAdoo, *Bombshell Connection*, *supra* note 2.

more explicit than this. So here's what I'm saying. I'm not a conspiracy theorist, I'm a fact-based journalist. The facts are enough. However, the Democrats have investigated Trump for a lot less. For a lot less. They have called for investigations, and secret meetings, they have convened the FBI. When you have this many things going on, I think someone really needs to investigate. . .

[MCADOO scrolls through Gilmore's Twitter page]

STRANAHAN: Yeah, if you scroll...keep scrolling...this is the guy, Brennan Gilmore, and if you scroll down, keep going, it's not too far, you'll see the photo of the young woman...this is abs [*sic*]...when I saw this, uh, I was shocked...by the way, his bio, if you look at this guy's bio, it says he's with the State Department, and the fact that he called her a 'martyr'. . . I [STRANAHAN looks knowingly at the camera, eyebrows raised, arm raised, MCADOO nods comprehendingly, laughs] don't know, but this is clearly, the way she's being used is she's a martyr to the cause. . . .

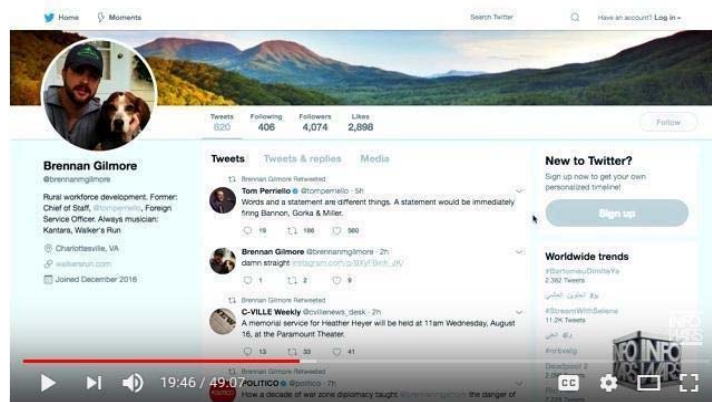
STRANAHAN: And let me point out what's happening. They, uh, they win no matter what they do. Are they trying to get a coup? I think clearly they are. But if they can't get a coup, they'll settle for impeachment. And if they can't get impeachment, they'll settle for smearing Trump and his supporters so much that they'll be able to elect another elitists. Does that make sense? MCADOO: Absolutely.

42. The video, bearing the same title as the *InfoWars* article, is hosted on a *YouTube* channel owned by Defendants Alex Jones and *InfoWars*. The channel has over 2 million subscribers. The video had been watched more than 312,000 times as of January 2018.³⁴

The description of the video reads:

As evidenced this weekend, a civil war is brewing in this country, laying the foundation for a violent coup to take out Trump. Soros-funded NGO's have been able to achieve regime change in other countries by quite literally teaming up with Neo-nazis and "moderate" terrorists. Now, investigative reporter Lee Stranahan reveals the same players involved in the Ukraine overthrow are working behind the scenes to oust President Trump.

³⁴ See The Alex Jones Channel, *Bombshell Connection Between Charlottesville, Soros, CIA*, YOUTUBE (Aug. 15, 2017), <https://www.youtube.com/watch?v=L58T2dl997A>.



Bombshell Connection Between Charlottesville, Soros, CIA

312,126 views

7K

392

SHARE

...



The Alex Jones Channel ✓
Published on Aug 15, 2017

SUBSCRIBE 2.1M

As evidenced this weekend, a civil war is brewing in this country, laying the foundation for a violent coup to take out Trump. Soros-funded NGO's have been able to achieve regime change in other countries by quite literally teaming up with Neo-nazis and "moderate" terrorists. Now, investigative reporter Lee Stranahan reveals the same players involved in the Ukraine overthrow are working behind the scenes to oust President Trump.

43. Defendant Alex Jones shared a link to the *InfoWars* article and video defaming Mr. Gilmore with his 737,000 followers on *Twitter*.³⁵ Defendant Jones' followers quickly responded with comments such as "This was coordinated. Not spontaneous"³⁶ and "Obama Clinton coup'd'tat in full bloom. We see Comey, lynch, clapper, Brennan, Clintons, FBI, secret service, dnc, democrats in mix."³⁷
44. Defendants Jones and *InfoWars* continued to spread falsehoods about the Charlottesville protest and attack in the days that followed. On August 14, 2017, Defendant Jones published a post entitled *George Soros Needs to be Charged and Arrested for Sedition and Causing Charlottesville* on his *InfoWars* website; in the accompanying video, he alleges

³⁵ Alex Jones (@RealAlexJones), TWITTER (Aug. 15, 2017 11:10 PM), <https://twitter.com/realalexjones/status/897656664379322369>.

³⁶ Catherine (@RealAliCat), TWITTER (Aug. 16, 2017 05:29 PM), <https://twitter.com/RealAliCat/status/897933461012574209>.

³⁷ Eugene Schreiber (@geno5491), TWITTER (Aug. 16, 2017 9:08AM), <https://twitter.com/geno5491/status/897852665085935617>.

George Soros paid the Charlottesville protestors.³⁸ Defendant Jones published several additional videos in which he characterized the violence in Charlottesville as “staged” and orchestrated by left-wing political operatives and “cut-outs,”³⁹

45. While Defendant Jones later attempted to retract his claim that “Jewish actors” paid by George Soros were responsible for the violence, he doubled down on his efforts to harass and defame Mr. Gilmore in a video entitled *Breaking: State Department/CIA Orchestrated Charlottesville Tragedy*, posted on *YouTube* on August 20, 2017,⁴⁰ and on Defendant *InfoWars*’ website on August 21, 2017.⁴¹ See **Exhibit G**.

46. In the video, Defendant Jones asserts that the statements he made about Mr. Gilmore were factual and researched:

I did research, and I confirmed it all. They had known CIA and State Department officials in Charlottesville, first tweeting, first being on MSNBC, CNN, NBC. The mayor is involved. Everybody is a cut-out

They got State Department and high-level CIA. One guy is paid 320,000 a year on the payroll of [George] Soros. He doesn’t just get money from Soros, he personally is paid 320 a year, and then he is there—CIA, State Department—and he is on the news. And when people pointed out who he was, they took his name of the State Department website and stuff, but Google has all the [screen] shots of it. I mean it’s like WOW, WOW—CIA? Your senior guys? And you’re so stupid on TV, “oh I saw ‘m run over, I saw the racists, I saw the white supremacists attack, oh I’m the guy being interviewed first . . .” He worked for Podesta too, John Podesta. I’ll give you his name and stuff, we’re gonna play a video of him on the news.

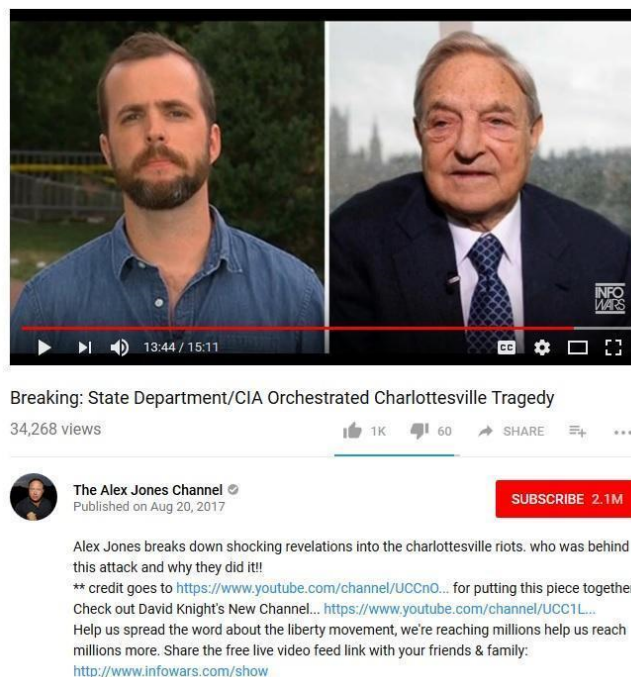
³⁸ The Alex Jones Show, *George Soros Needs to be Charged and Arrested for Sedition and Causing Charlottesville*, INFOWARS (Aug. 14, 2017), <https://www.infowars.com/george-soros-needs-to-be-charged-and-arrested-for-sedition-and-causing-charlottesville-chaos/>.

³⁹ The Alex Jones Show, *Breaking: Charlottesville Confirmed Agitprop Staged Event*, INFOWARS (Aug. 16, 2017), <https://www.infowars.com/breaking-charlottesville-confirmed-agitprop-staged-event/>; The Alex Jones Show, *Deep State Caught Red-Handed Causing Charlottesville Violence*, INFOWARS (Aug. 17, 2017), <https://www.infowars.com/deep-state-caught-red-handed-causing-charlottesville-violence/>; see also The Alex Jones Show, *Breathtaking: Democrats Accused of Hiring Actors Prior to Charlottesville Rally*, INFOWARS (Aug. 17, 2017), <https://www.infowars.com/breathtaking-democrats-accused-of-hiring-actors-prior-to-charlottesville-rally/>.

⁴⁰ The Alex Jones Channel, *Breaking: State Department/CIA Orchestrated Charlottesville Tragedy*, YOUTUBE (Aug. 20, 2017), <https://www.youtube.com/watch?v=52C5-GplKxg&t=3s>.

⁴¹ The Alex Jones Show, *State Department/CIA Orchestrated Charlottesville Tragedy*, *supra* note 3.

47. The “high-level CIA” and “State Department guy” that Defendant Jones is referring to is Mr. Gilmore. Incredibly, Defendant Jones appears to be suggesting that a campaign donation by George Soros to Tom Perriello’s gubernatorial campaign was in reality a personal payment to Mr. Gilmore.
48. Defendant Jones’ video, which had been watched over 34,000 times as of January 2018, shows various images of Mr. Gilmore, including one alongside a photo of George Soros:



49. In the video, Jones alleges Mr. Gilmore was “involved with the Kony hoax in 2012” and is a “State Department insider with a long history of involvement in psy-ops.” After noting that Mr. Gilmore’s information had been removed from the State Department’s website, Jones concludes that “the elites know we’re on to them and are trying to cover their tracks.”
50. *InfoWars*’ website is viewed approximately 40 million times every month, and the site consistently ranks among the most popular political websites in the U.S. *InfoWars* bills and

presents itself as a news media outlet. In addition to soliciting advertisers for its website, *InfoWars* funds its work by the sale of various dietary supplements in its online store, which are featured prominently in each video and on banner ads that appear in each post. Recent estimates of revenue received from online sales suggest that business is good: Defendant Jones stated in 2013 that the online store grossed an average of \$9 million in sales annually. Estimates in 2017 indicate that sales could now be as high as \$12.5 million annually.⁴²

51. On August 19, 2017, Defendant Allen B. West published “*BOMBSHELL: New Evidence Suggests Charlottesville Was a Complete SET-UP*” on his website.⁴³ See **Exhibit H**.
52. The article, authored by Defendant Derrick Wilburn, notes that Mr. Gilmore “worked in Africa as a State Department foreign officer under Hillary Clinton[,] . . . was also involved with the Kony hoax in 2012, and . . . is currently Chief of Staff for Tom Perrielo [*sic*], who is running for Governor of Virginia and received \$380k from George Soros.” It adds:

So the first man on the scene . . . just happened to be a State Department insider with a long history of involvement in psy-ops? If you think this isn’t fishy, how about this – since the Charlottesville protests and his appearance in the media, his information was suddenly removed from State Department websites. We need to clarify that these are early accounts and as yet unverified, but if true this is very, very serious stuff. It points directly to the reality of the “deep state” and more importantly to the lengths that the Soros/Clinton/Obama one-world government cabal will go in order to realize their desires for “fundamental transformation.

52. Defendant West shared a link to the article with his 727,000 followers on Twitter.⁴⁴ Those followers responded with comments such as “[t]he shadow government has a mission to

⁴² See Brown, *supra* note 4.

⁴³ Derrick Wilburn, *BOMBSHELL*, *supra* note 20.

⁴⁴ Allen West (@AllenWest), TWITTER (Aug. 19, 2017 09:10 AM), <https://twitter.com/AllenWest/status/898895019951575041>.

destroy America as we know it,”⁴⁵ and “[t]his whole thing stinks to high heaven. A federal investigation is needed, not some internal self-serving coverup.”⁴⁶

53. There can be no doubt that the Defendants reached hundreds of thousands of viewers and readers with their publications. Their paranoid fantasies have no basis whatsoever in fact and are demonstrably false: while Mr. Gilmore was and continues to be a State Department employee (currently on unpaid leave), was stationed in the Central African Republic, and worked for Tom Perriello’s campaign, he has at no time been employed by the CIA or any other intelligence agency, nor has he been employed by or received payment from George Soros directly. He attended the protest against the “Unite the Right” rally because he opposes racism and bigotry, not because he was sent there by the State Department or any other “deep state” or covert operation.
54. In the months leading up to the rally and counter-protest Mr. Gilmore had been regularly confronted with hateful right-wing memes on social media platforms that advocated using a car as a weapon against protestors. The following meme is similar to the types of memes Mr. Gilmore encountered:⁴⁷



⁴⁵ James Reddings (@JamesReddings), TWITTER (Aug. 19, 2017 10:07 AM), <https://twitter.com/JamesReddings/status/898909398575263746>.

⁴⁶ Dave Riles (@DRils), TWITTER (Aug. 20, 2017 08:49 PM), <https://twitter.com/DRils/status/899433273515925504>.

⁴⁷ Thomas Clouse, *Chelan County Deletes “All Lives Splatter” Post from Emergency Management Facebook Page*, SPOKESMAN-REVIEW (Sept. 11, 2017, 4:35 P.M.), <http://www.spokesman.com/stories/2017/sep/11/chelan-county-deletes-all-lives-splatter-post-fro/#/0>.

55. Especially concerning to Mr. Gilmore was the potential encouragement of this behavior by those in positions of power. In light of the uptick in demonstrations by Black Lives Matter and other organizations concerned with racism in the United States, lawmakers in at least six states had introduced bills to decriminalize the use of a car to run over protesters or demonstrators who block roadways.⁴⁸ *Fox News* and the *Daily Caller* published, and then removed, video and news content that glorified running vehicles into crowds of people at high speeds. “Study the technique,” the article read. “It may prove useful in the next four years.”⁴⁹ Mr. Gilmore was concerned that dangerous backlash against the right of citizens to peacefully demonstrate seemed to be escalating.
56. When he noticed that a driver of a car was behaving erratically and driving rapidly towards a group of protesters, Mr. Gilmore was worried that someone might have taken these perverse suggestions to heart. Tragically, Mr. Gilmore’s fears proved well-founded, as Mr. Fields—who was driving the car that drew Mr. Gilmore’s attention—killed one protestor, Heather Heyer, and injured many others.
57. Mr. Gilmore’s concern for the safety of other protesters and his entirely reasonable desire to provide a public service by sharing with the world what he witnessed in Charlottesville was sufficient to put him in the defendants’ crosshairs. The defendants crafted their

⁴⁸ See Catherine Rampell, *The Republicans Who Want to Legalize Running Over Protesters*, WASH. POST (Aug. 17, 2017), https://www.washingtonpost.com/opinions/the-republicans-who-want-to-legalize-running-over-protesters/2017/08/17/f01b7da2-834e-11e7-902a-2a9f2d808496_story.html?utm_term=.b4c022ae71ab; Nina Agrawal, *In North Dakota, It Could Become Legal to Hit a Protester with your Car*, L.A. TIMES (Feb. 3, 2017), <http://www.latimes.com/nation/la-na-bills-protest-criminal-20170201-story.html>.

⁴⁹ Tom Kludt, *Fox News, Daily Caller Delete Posts Encouraging People to Drive Through Protests*, CNN MEDIA (Aug. 15, 2017), <http://money.cnn.com/2017/08/15/media/daily-caller-fox-news-video-car-crashing-liberal-protesters/index.html>.

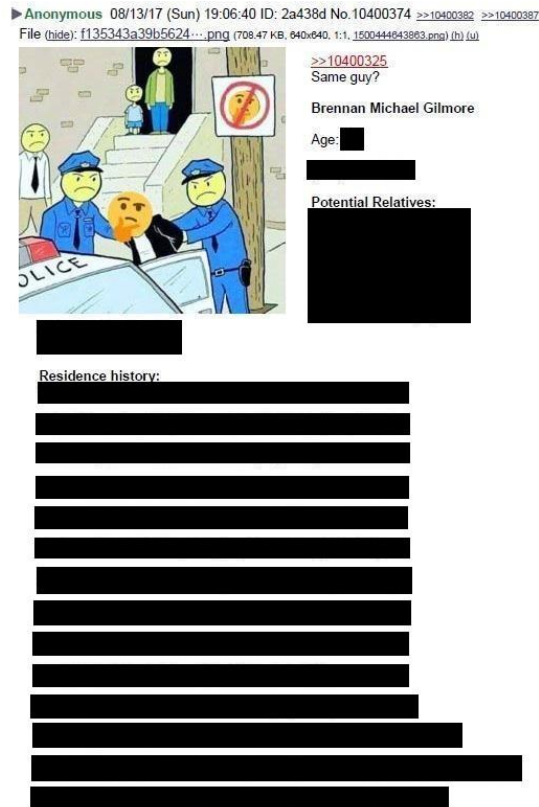
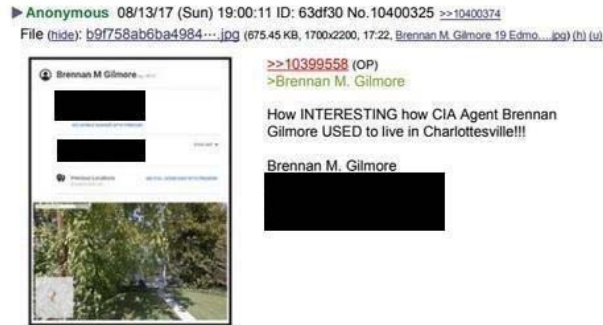
delusional narrative about him from the barest outline of Mr. Gilmore's resume, which he freely shares on social media. Mr. Gilmore was an easy target when Defendants were looking for a scapegoat to blame "both sides" for the violence that occurred that day.⁵⁰

58. The defendants thrust Mr. Gilmore—an innocent bystander with no desire for public attention—into the public eye by intentionally publishing baseless allegations about his professional life and goals. The defendants' reckless disregard for the truth of their allegations about Mr. Gilmore directly and foreseeably caused the harassment and threats to his personal safety that followed.

D. Threats and Harassment

59. As soon as the first publications alleging that Mr. Gilmore was a "deep state operative" who helped orchestrate the violence in Charlottesville appeared online, Mr. Gilmore became the subject of a barrage of harassing and threatening messages that made him fear for his personal safety as well as the safety of his family members. To this day, Mr. Gilmore continues to experience the effects of the hatred and violence directed at him as a direct and foreseeable result of Defendants' reckless decisions to publish these baseless allegations about him.
60. Scott Creighton published his article and video about Mr. Gilmore in the early hours of August 13, 2017. That very same day, anonymous users of the internet forum *8chan* shared Mr. Gilmore's address of record:

⁵⁰ See Dan Merica, *Trump Says Both Sides to Blame Amid Charlottesville Backlash*, CNN (Aug. 16, 2017, 1:14 AM), <https://www.cnn.com/2017/08/15/politics/trump-charlottesville-delay/index.html> (quoting President Trump's statement during a press conference following the attacks that there was blame on "both sides"); Rosie Gray, *Trump Defends White-Nationalist Protesters: 'Some Very Fine People on Both Sides'*, ATLANTIC (Aug. 15, 2017), <https://www.theatlantic.com/politics/archive/2017/08/trump-defends-white-nationalist-protesters-some-very-fine-people-on-both-sides/537012>.



61. The Lexington, Virginia address posted by these users is that of Mr. Gilmore's parents, which Mr. Gilmore used during his overseas postings with the Foreign Service. He resided there periodically during the summer of 2017 while on vacation and in between permanent residences.
62. Hours later, threatening and harassing messages on *Twitter* directed at Mr. Gilmore started rolling in. Some of these messages were an explicit and direct response to Defendant

Creighton's publication.⁵¹ Other *Twitter* users threatening Mr. Gilmore used language that closely parses the language used in the article published by Defendant Jim Hoft, who referred to Mr. Gilmore as a "globalist shill," thereby leaving little doubt about what moved them to seek out Mr. Gilmore.⁵²



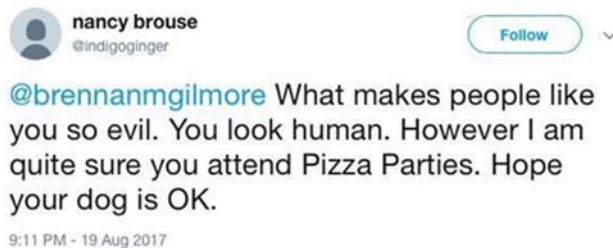
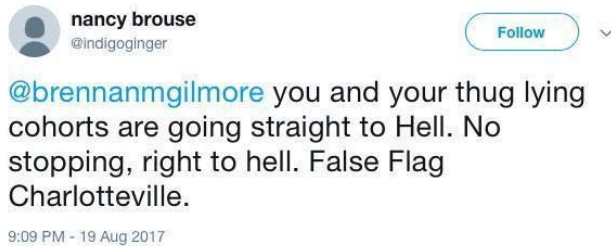
⁵¹ HillaryluvsMoloch (@DARKLERCH), TWITTER (Aug. 14, 2017 07:54 AM), <https://twitter.com/DARKLERCH/status/897063978920181764>, HillaryluvsMoloch (@DARKLERCH), TWITTER (Aug. 14, 2017 08:02 AM) <https://twitter.com/DARKLERCH/status/897065917485600769>.

⁵² Puffy Biggles (@PuffyBiggles), TWITTER (Aug. 14, 2017 11:30 PM), <https://twitter.com/PuffyBiggles/status/897299446756593665>; Red Pill Dispenser (@cheque197), Twitter (Aug. 15, 2017 08:02 AM), <https://twitter.com/cheque197/status/897428396036292612>.



63. In light of the threats and harassment directed at him and the publication of their home address by posters on *8chan*, Mr. Gilmore contacted his parents to ensure that they were taking appropriate measures to protect themselves. Mr. Gilmore's parents live within a short drive of Charlottesville, and Mr. Gilmore was particularly concerned for their safety given the number of neo-Nazis who had descended on the region for the "Unite the Right" rally, with demonstrated violent tendencies. Acting on the advice of the FBI, he instructed his parents to reach out to the local police department, which they did. Alarmed by what they learned, local law enforcement devised a scheme to detect any unusual car traffic in the neighborhood. In addition, Mr. Gilmore's brother-in-law, who is an active-duty service member, offered to spend the night with Mr. Gilmore's parents and bring the handgun he keeps in his home with him for protection.
64. Fearing for his own safety in addition to that of his parents, Mr. Gilmore also contacted the FBI and the State Department's Bureau of Diplomatic Security. Mr. Gilmore spent hours discussing protective measures for himself and his family members with various law enforcement agencies in the days that followed.
65. Egged on by the campaign of vile lies that Defendants waged against him, *Twitter* and *YouTube* users continued to threaten and harass Mr. Gilmore, telling him he is a "George

Soros HACK” and that “word is out on [him],” they “have [his] number,” he is “going straight to hell” and they hope that his “family feels the violence [he] protect[s]”⁵³, and implicitly threatening him with violence by referencing the Comet Ping Pong pizzeria incident⁵⁴:



⁵³ Several of these users have had their accounts suspended or deleted the tweets, *but see* john mac (@johnmac125), TWITTER (Aug. 15, 2017 05:25 PM), <https://twitter.com/johnmac125/status/897569974121844736>; Navy Brat (@loryad123), TWITTER (Aug. 20, 2017 07:01 PM), <https://twitter.com/loryad123/status/899405952654471170>; Prez Cannady (@prezcannady), TWITTER (Aug. 22, 2017), <https://twitter.com/prezcannady/status/899993600863477760>; MeBituman (@MeBituman), Comment, *Brennan Gilmore with MSNBC's Alex Witt on Charlottesville Terrorist Incident*, YOUTUBE (Aug. 13, 2017), <https://www.youtube.com/watch?v=DOcoq9Dsm48>.

⁵⁴ See *infra* ¶ 74.



Andor
@FOBvAs

Follow

Replying to @tomperriello @brennanmgilmore

Loser cuck. So anybody who defends our veterans, Confederate veterans, is a racist? I hope your family feels the violence you protect, dik

10:27 AM - 22 Aug 2017



Ryan Sousa
@sousa_ryan1

Follow

Replying to @brennanmgilmore

Ur a piece of shit puppet. Do u really think people don't know how dirty and compromised u are? Ur a George Soros HACK. You'll get yours

11:04 AM - 19 Aug 2017



MeBituman 5 months ago
And on his birthday no less

Where is this Spawn of Satan. The Patriots need to take him out.

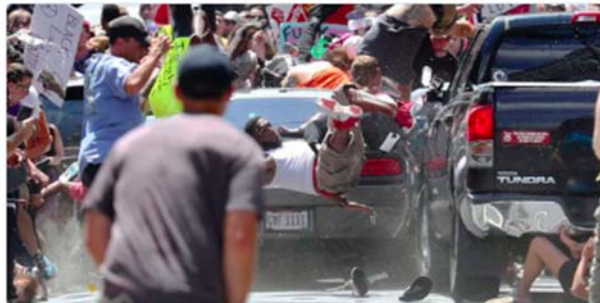
REPLY 2



Prez Cannady
@prezcannady

Follow

I have no sympathy for @brennanmgilmore or anyone like him. He's getting what he deserves.



How I Became Fake News

I witnessed a terrorist attack in Charlottesville. Then the conspiracy theories began

politico.com

66. There were dozens of attempts to log-in to Mr. Gilmore's various online accounts, including email and social media in the days that followed publication of the conspiracy theories.
67. Mr. Gilmore and his family were not only threatened online. On Monday, August 14, 2017, Mr. Gilmore was physically accosted on the street in Charlottesville by an unknown person after concluding a brief television interview describing what he witnessed the day before. The unknown person aggressively questioned Mr. Gilmore about his ties to Perriello, Charlottesville Mayor Mike Signer, and his work overseas.
68. In addition, shortly after the Defendants started their defamatory campaign against him, Mr. Gilmore received a letter at his parents' address with a suspicious powdery residue and a letter explaining why Mr. Gilmore would "burn in hell." The receipt of this letter led to an additional visit to the property by local police, and although the powdery residue turned out to be harmless upon analysis, the letter remains in the possession of the State Department Diplomatic Security Office.
69. The threats and harassment have continued well past August 2017. On February 14, 2018, Twitter user "SonofNewo"⁵⁵ retweeted a post about an upcoming performance of Mr. Gilmore's band, adding the caption "Will Brennan Gilmore play his tunes from the middle of 4th Street?"⁵⁶

⁵⁵ See *SonofNewo*, YOUTUBE, <https://www.youtube.com/user/SonofNewo/feed>. "SonofNewo" has posted videos to his YouTube channel (under the same pseudonym) about the Charlottesville attack, often targeting Mr. Gilmore and accusing him of being a member of the "deep state."

⁵⁶ SonofNewo (@SonofNewo), TWITTER (Feb. 14, 2018, 3:32 AM), <https://twitter.com/SonofNewo/status/963737755657400320>. The "4th Street" reference alludes to Fourth Street in Charlottesville, which intersects with Water Street East. Mr. Gilmore's video of the Charlottesville attack shows Fields speeding down Fourth Street before ramming into the crowd at the intersection with Water Street.



70. Two minutes later, SonofNewo posted, "I dunno, should I go check out this concert? Leave your thoughts below!"⁵⁷
71. SonofNewo's followers encouraged him to attend, with one user, alias "O'Neil," tweeting "Go INCOG[nito]." ⁵⁸ Given the extent to which SonofNewo had previously endorsed Defendants' lies about Mr. Gilmore, the clear implication and tone of these tweets was to threaten Mr. Gilmore. Upon learning of these tweets, Mr. Gilmore feared for his safety and for the safety of his band mates and concert-goers. He contacted the concert venue and alerted them to the threats, and the venue security team in turn contacted the police.
72. After SonofNewo's tweets and videos, Mr. Gilmore noticed an uptick in online threats and harassment. For example, in response to a scientific article Mr. Gilmore shared in a public Facebook post on February 19, 2018, an individual named Henry Fowler (not known to Mr. Gilmore) left the following post threatening Mr. Gilmore's life:

⁵⁷ SonofNewo (@SonofNewo), TWITTER (Feb. 14, 2018, 3:34 AM), <https://twitter.com/SonofNewo/status/963738293392244737>.

⁵⁸ O'Neil (@ONeilBox), TWITTER (Feb. 14, 2018, 10:25AM), <https://twitter.com/ONeilBox/status/963841617089253378>.



The Rivanna River is a river in Virginia that runs near Mr. Gilmore's house. The clear implication and tone of Fowler's post was to threaten Mr. Gilmore and to make him fear for his safety.

E. The Defendants Knew or Should Have Known that the Harassment Would ensue

73. All Defendants knew or should have known from recent, publicized experiences that their defamatory publications about Mr. Gilmore would incite harassing and threatening messages against him in Virginia. Defendants' audience routinely answers calls to action with violence and anger.
74. In the fall of 2016, Defendants Alex Jones and *InfoWars* amplified a false conspiracy theory claiming that Comet Ping Pong, a pizzeria based in Washington, D.C., was involved in an underground child sex ring run by then-presidential candidate Hillary Clinton.⁵⁹ After Defendants published these false statements, an *InfoWars* reader from North Carolina drove to the pizzeria, entered the restaurant brandishing a rifle, a handgun, and a knife, and

⁵⁹ See Zack Beauchamp, *Alex Jones, Pizzagate booster and America's most famous conspiracy theorist, explained*, VOX (updated Dec. 17, 2016), <https://www.vox.com/policy-and-politics/2016/10/28/13424848/alex-jones-infowars-prisonplanet>.

fired his rifle inside the restaurant at least one time before pointing it at an employee. The threats and online abuse that followed targeted not only the owner and employees of Comet Ping Pong, but also neighboring businesses who internet users thought to be implicated in the conspiracy.⁶⁰

75. After *InfoWars* reporter Owen Shroyer published a podcast tying East Side Pies, a chain of pizza restaurants in Austin, Texas, to the baseless conspiracy theory, those owners were also targeted by phone threats, harassment, and vandalism of one of its delivery trucks with a vulgar epithet.⁶¹ The circumstances surrounding these events were widely publicized in national news,⁶² and Defendant Alex Jones has acknowledged and apologized for his role in promoting the conspiracy theory.⁶³

76. After the tragic December 2012 mass shooting at Sandy Hook Elementary School in Newtown, Connecticut, Defendants Alex Jones, *InfoWars*, and Scott Creighton published false statements claiming that the mass shooting did not actually happen and was a government-staged “inside job” designed to bolster support for gun control. By publishing and promoting these conspiracy theories, these defendants incited harassment and threats

⁶⁰ See Tom Kludt, ‘Pizzagate’: Comet Ping Pong not the only D.C. business enduring a nightmare, CNN (Dec. 5, 2016), <http://money.cnn.com/2016/12/05/media/pizzagate-threatening-calls-washington-dc-businesses/index.html>.

⁶¹ See Michael King, *Alex Jones Apologizes!: Slander against politicians is one thing; against pizza shop owners, another*, AUSTIN CHRONICLE (Mar. 31, 2017), <https://www.austinchronicle.com/news/2017-03-31/alex-jones-apologizes>.

⁶² Faiz Siddiqui & Susan Svrluga, *N.C Man Told Police He Went to D.C. Pizzeria with Gun to Investigate Conspiracy Theory*, WASH. POST (Dec. 6, 2016), https://www.washingtonpost.com/news/local/wp/2016/12/04/d-c-police-respond-to-report-of-a-man-with-a-gun-at-comet-ping-pong-restaurant/?utm_term=.b85e5fe4acca; John Woodrow Cox, ‘We’re Going to Put a Bullet in Your Head’: #PizzaGate Threats Terrorize D.C. Shop Owners, WASH. POST (Dec. 6, 2016), https://www.washingtonpost.com/local/were-going-to-put-a-bullet-in-your-head-pizzagate-threats-terrorize-dc-shop-owners/2016/12/05/39469a82-bb2e-11e6-94ac-3d324840106c_story.html?utm_term=.f81cc533b356; *Louisiana Man Pleads Guilty to Threatening Pizzeria*, NBC WASH. (Jan 13, 2017), <https://www.nbcwashington.com/news/local/Louisiana-Man-Pleads-Guilty-to-Threatening-DC-Pizzeria-410617335.html>; Matthew Odam, *How Austin’s East Side Pies became target of fake #pizzagate*, MY STATESMAN (Dec. 7, 2016), <http://www.mystatesman.com/news/crime-law/how-austin-east-side-pies-became-target-fake-pizzagate/jQJtr2xVIMNmpWc0IOW50/>.

⁶³ Eli Rosenberg, *Alex Jones Apologizes for Promoting Pizzagate Hoax*, N.Y. TIMES (Mar. 25, 2017), <https://www.nytimes.com/2017/03/25/business/alex-jones-pizzagate-apology-comet-ping-pong.html>.

by their followers toward the family members of the shooting victims. As a result, a woman was criminally sentenced for transmitting death threats through interstate communications toward the father of a 6-year-old child who was murdered in the shooting.⁶⁴

77. In 2014, a self-proclaimed Sandy Hook “truther” was sentenced for harassing the sister of a teacher who was killed while hiding her first-grade students in a classroom closet during the massacre.⁶⁵ This harassment and subsequent convictions have been detailed in multiple national publications.

78. More recently, Defendants Alex Jones and *InfoWars* published false claims about the 2017 mass shooting in Las Vegas that left fifty-nine people dead and hundreds more injured. Referring to the racist hoax concerning the former president’s birth certificate that he has helped propagate, Defendant Alex Jones claimed that “Vegas is as phony as a three-dollar bill or as Obama’s birth certificate.”⁶⁶ Soon thereafter, survivors of the massacre became victims of a predictable wave of online threats and harassment. One survivor of a bullet wound to the head received messages such as “[y]ou are a lying piece of shit and I hope someone truly shoots you in the head.” Still another survivor was told, “[y]our soul is disgusting and dark! You will pay for the consequences!”⁶⁷

79. Following the August 2017 mass shooting at a church Sutherland Springs, Texas that left twenty-seven people dead, Defendant Alex Jones shared with his followers his theory that

⁶⁴ Derek Hawkins, *Sandy Hook Hoaxer Gets Prison Time for Threatening 6-year-old Victim’s Father*, WASH. POST (June 8, 2017), https://www.washingtonpost.com/news/morning-mix/wp/2017/06/08/sandy-hook-hoaxer-gets-prison-time-for-threatening-6-year-old-victims-father/?utm_term=.1da4bac11915.

⁶⁵ Daniel Tepfer, *Sandy Hook ‘Truther’ Gets Suspended Sentence*, CT POST (Apr. 18, 2016), <http://www.ctpost.com/policereports/article/Sandy-Hook-truther-gets-suspended-sentence-7255482.php>.

⁶⁶ *Alex Jones: The Las Vegas Shooting Was as Phony as Obama’s Birth Certificate*, MEDIA MATTERS (Nov. 27, 2017), <https://www.mediamatters.org/video/2017/11/27/alex-jones-las-vegas-shooting-was-phony-obama-s-birth-certificate/218648>.

⁶⁷ See Sam Levin, *“I Hope Someone Truly Shoots You”: Online Conspiracy Theorists Harass Vegas Victims*, GUARDIAN (Oct. 26, 2017), <https://www.theguardian.com/us-news/2017/oct/26/las-vegas-shooting-conspiracy-theories-social-media>.

the tragedy was “part of the Antifa revolution against Christians and conservatives or a Isis op [sic],” and published these false claims on *InfoWars*.⁶⁸ Scott Creighton also made a series of false claims about the mass shooting, implying that the United States government used the shooter, Devin Patrick Kelley, as a “patsy” to bolster support for gun control.⁶⁹

80. These and other conspiracy theories surrounding the Sutherland Springs attack recently led the church’s pastor, whose 14 year-old daughter was killed in the shooting, to become the target of gruesome threats of violence. On March 5, 2018, two individuals showed up to the church and “continually yelled and screamed and hollered and told [him] he was gonna hang [him] from a tree, and pee on [him] while [he is] hanging.”⁷⁰
81. Around April 2017, Defendants Alex Jones and *InfoWars* made a series of false statements against Chobani, LLC (“Chobani”). In a video post featuring Defendant Lee Ann McAdoo, among others, these defendants claimed that the yogurt company’s practice of hiring migrant workers and refugees brought “migrant rapists” and disease to the areas surrounding its Idaho factory.⁷¹ Defendant Lee Stranahan similarly authored an article for *Breitbart News* alleging that Chobani was responsible for local crimes committed by Muslim refugees.⁷² These false statements harmed both employees and other members of the Idaho community associated with Chobani. Ultimately, Defendant Alex Jones

⁶⁸ Alex Jones (@RealAlexJones), TWITTER (Nov. 5 2017 03:14 PM), <https://twitter.com/search?q=Was%20this%20part%20of%20the%20Antifa%20revolution%20against%20Christians%20and%20conservatives%20or%20a%20Isis%20op%3F&src=typd>.

⁶⁹ Scott Creighton, *Sutherland Springs Shooting: What We Know So Far*, AMERICAN EVERYMAN (Nov. 6, 2017), <https://americaneveryman.com/2017/11/06/sutherland-springs-shooting-what-we-know-so-far/>.

⁷⁰ Jessica Chasmar, *Conspiracy Theorists Arrested Outside Site of 2017 Sutherland Springs Church Shooting*, WASH. TIMES (Mar. 6, 2018), <https://www.washingtontimes.com/news/2018/mar/6/conspiracy-theorists-claiming-sutherland-springs-s/>.

⁷¹ See John Kell, *Chobani Is Suing Infowars Radio Host Alex Jones*, FORTUNE (Apr. 24, 2017), <http://fortune.com/2017/04/24/chobani-sues-alex-jones>.

⁷² Lee Stranahan, *Turkish Chobani Owner Has Deep Ties to Clinton Global Initiative Campaign*, BREITBART (Aug. 25, 2016), <http://www.breitbart.com/big-government/2016/08/25/turkish-chobani-owner-has-deep-ties-to-clinton-global-initiative-and-campaign/>.

apologized for and retracted his inflammatory comments. The circumstances surrounding these events were widely publicized on national news.⁷³

82. As recently as this month, Defendants Alex Jones, *InfoWars*, and Jim Hoft have promoted conspiracy theories about the February 14, 2018 shooting at Marjory Stoneman Douglas High School in Parkland, Florida, which claimed the lives of 17 students and educators. These defendants have endeavored to discredit student survivors who have, in the wake of the massacre, advocated for action by legislators and politicians to curb gun violence.⁷⁴
83. Defendants Alex Jones and *InfoWars* promote violence against their political enemies. On March 30, 2017, Defendant Alex Jones posted an online clip in which he called a Democratic congressman a “son of a bitch” and a “goddamn fucker” among other pejoratives and threatened to “beat” the congressman’s “goddamn ass.” He spent the summer of 2017 regularly telling followers of *InfoWars* and his radio show that the political left was on the verge of starting a civil war, and has encouraged violence against “leftists” and Democrats in response. In a June 23, 2017 broadcast, less than two months before the Charlottesville rally and attack, Defendant Alex Jones told his followers that “we have to start getting ready for insurrection and civil war because they’re really pushing it.”⁷⁵

⁷³ Christine Hauser, *Chobani Sues Alex Jones Over Sexual Assault Report*, N.Y. TIMES (Apr. 25, 2017), <https://www.nytimes.com/2017/04/25/business/chobani-alex-jones.html>; David Montero, *Alex Jones Settles Chobani Lawsuit and Retracts Comments about Refugees in Twin Falls, Idaho*, L.A. TIMES (May 17, 2017), <http://www.latimes.com/nation/la-na-chobani-alex-jones-20170517-story.html>.

⁷⁴ See, e.g., Dan Lyman, *Student Anti-Gun Activist Featured in CBS News Story – Six Months Ago*, INFOWARS (Feb. 19, 2018), <https://www.infowars.com/student-anti-gun-activist-featured-in-cbs-la-news-story-six-months-ago/>; Jim Hoft (@gatewaypundit), Twitter (Feb. 19, 2018, 2:53 PM), https://twitter.com/gatewaypundit/status/965720917883146248?ref_src=twsrc%5Etfw&ref_url=https%3A%2F%2Fwww.newsmax.com%2Fus%2Fchelsea-clinton-jim-hoft-florida-shooting%2F2018%2F02%2F20%2Fid%2F844409%2F.

⁷⁵ Nina Burleigh, *Alex Jones and Other Conservatives Call for Civil War Against Liberals*, NEWSWEEK (July 21, 2017), <http://www.newsweek.com/trump-alex-jones-infowars-violence-639912>.

84. Similarly, Defendant Jim Hoft has an extensive history of inciting harassment by spreading misinformation through his website *Gateway Pundit*. To take but one example: on or around January 11, 2017, *Gateway Pundit* falsely claimed that an editor for the *Washington Post* was secretly taking photos of Secretary of State Rex Tillerson's notes during his confirmation hearing. The editor has been subjected to intense online harassment as a result of this publication. She has since chronicled her experiences in an online article for the paper.⁷⁶
85. In light of the aforementioned highly publicized events, all Defendants knew or should have known that their defamatory statements about Mr. Gilmore would incite their reading and viewing audiences to direct further harm toward Mr. Gilmore in Virginia. The harassment, threats and intimidation that ensued were entirely foreseeable and caused by Defendants' lies about Mr. Gilmore.

F. Defendants' Defamatory Publications Harmed Mr. Gilmore Personally and Professionally

86. Before Defendants' attacks, Mr. Gilmore earned the reputation of being a patriotic and honorable citizen who had dedicated over 15 years of service to the United States. The publication of false and defamatory information about Mr. Gilmore by Defendants has caused irreparable damage to this reputation and threatened his physical and emotional well-being. In short, these lies have deprived him of his livelihood and life's passion. Moreover, Defendants' actions have punished Mr. Gilmore for participating in one of the essential cornerstones of our democracy: civic engagement.
- 87.

⁷⁶ Doris Truong, *Trolls Decided I Was Taking Pictures of Rex Tillerson's Notes. I Wasn't Even There*, WASH. POST (Jan. 12, 2017), https://www.washingtonpost.com/posteverything/wp/2017/01/12/trolls-decided-i-was-taking-pictures-of-rex-tillersons-notes-i-wasnt-even-there/?utm_term=.374baccdf675.

i. *Defendants' Defamatory Publications Have Threatened Physical Harm to Mr. Gilmore*

88. Fanning the flames of false conspiracies about child sex trafficking at Comet Ping Pong translated to real-world harm. Likewise, it was foreseeable that publishing lies about Mr. Gilmore would threaten bodily harm to him and his family. By good fortune and swift precaution to alert the police and authorities of potential threats against him, Mr. Gilmore was able to avoid actual physical harm. But it was not for lack of trying: the unknown chemical substance mailed to his home and the sudden approach of a hostile stranger on the street foreshadow the connection to some of the deeper threats lurking online, many of which materialize into physical danger.⁷⁷ As evidenced by the threats he received in February, Mr. Gilmore continues to receive threats of physical harm because of the lies that Defendants spread about him.

ii. *Defendants' Defamatory Publications Have Caused Emotional Harm to Mr. Gilmore*

89. Mr. Gilmore has experienced severe emotional distress as a result of Defendants' deliberate campaign to portray him as a "CIA asset" and "deep state shill" due to the defamation, harassment, and threats to his safety that this campaign directly caused. The presence of Defendants' widely-available articles and videos has not only jeopardized Mr. Gilmore's sense of safety and well-being, but it has also polluted a simple Google search for his name. As a result, Mr. Gilmore fears losing potential friends or romantic interests if an acquaintance finds any one of Defendants' defamatory articles. Mr. Gilmore also continues to fear additional online harassment and unpredictable physical harm. Since

⁷⁷ Adi Robertson, *The FBI has Released Its Gamergate Investigation Records*, THE VERGE (Jan. 27, 2017), <https://www.theverge.com/2017/1/27/14412594/fbi-gamergate-harassment-threat-investigation-records-release> (detailing threats against those targeted in the Gamergate controversy, including multiple shooting threats).

these articles were first published, Mr. Gilmore has had to rely on the assistance of a therapist to address the substantial emotional stress of being the target of a deluge of threats as well as his ongoing fear of vile online and in-person harassment.

iii. Defendants' Claims Have Done Mr. Gilmore Irreparable Professional Harm

90. As an entrepreneur, Mr. Gilmore must rely on maintaining a spotless reputation of credibility and integrity to achieve his professional aims. In his current role as Vice President for Operations of Wize Solutions, a small business venture focused on rural workforce development, Mr. Gilmore will not be able to continue in his current leadership capacity if he cannot count on the reputation he has worked so hard to develop. The ready presence of false information that paints him in such a negative light results in severe skepticism among those interested in working with the company. Mr. Gilmore has been consistently questioned by professional contacts about the derogatory information published on Defendants' websites, and it is nearly certain that many other potential clients and partners decided not to pursue business relationships with Wize as a result of reviewing said information. Thus, Mr. Gilmore may need to remove himself altogether from the company's client-facing work out of a duty not to harm the fledgling business.
91. Although Mr. Gilmore has dedicated his career to the service of the United States' diplomatic missions abroad, his illustrious diplomatic career is likely irreparably damaged because of Defendants' reckless acts. When Mr. Gilmore returns to the State Department, it will be exceedingly difficult for him to serve as a diplomat to another nation, as foreign officials will certainly research his background and find the shocking and threatening information published by Defendants, including allegations that he is not actually a diplomat, but a covert CIA agent.

92. Moreover, several high-profile Trump Administration officials and members of Congress have expressed their sincere belief in the conspiracy theories promoted by Defendants and suggested that the government needs to be purged of so-called “deep state” actors.⁷⁸ At the heart of Defendants’ lies about Mr. Gilmore is the allegation that he is exactly the type of “deep state” actor that should be purged from government. When Mr. Gilmore returns to the State Department, government officials who have endorsed Defendants’ lies will work to harm Mr. Gilmore’s career or oust him from government service entirely.
93. In the days immediately following the “Unite the Right” rally, dozens of people publicly called for Attorney General Sessions, President Trump, and Fox News Host Sean Hannity to open an investigation into Mr. Gilmore’s alleged role in the attack.
94. U.S. Representative Louis Gohmert called for a Department of Justice investigation into Virginia Governor Terry McAuliffe, Charlottesville Mayor Michael Signer, and rally organizer Jason Kessler for their alleged roles in the violent clashes that took place at the rally.⁷⁹
95. Republican Congressman Paul Gosar recently told *Vice News* that he believes that the Jewish businessman George Soros—who Defendants claim paid Mr. Gilmore to attend the rally—was the behind-the-scenes organizer of the “Unite the Right” rally.⁸⁰
96. In December 2017, Republican Congressman Francis Rooney called for a purge of FBI and Justice Department agents whom he believed were working for the “deep state.”⁸¹
97. In early February of this year, President Trump authorized the release of the so-called

⁷⁸ See *infra* ¶ 95.

⁷⁹ Alex Swoyer, *Texas Lawmaker Calls for DOJ Investigation of Charlottesville Violence*, WASH. TIMES (Aug. 20, 2017), <https://www.washingtontimes.com/news/2017/aug/20/louie-gohmert-texas-republican-calls-for-doj-inves/>.

⁸⁰ See Elspeth Reeve, *Congressman Suggests Charlottesville was George Soros-backed Conspiracy*, VICE NEWS (Oct. 5, 2017), <https://news.vice.com/story/paul-glosar-charlottesville-soros>.

⁸¹ Natasha Bertrand, *‘These People’ are ‘the Deep State’: GOP Congressman Calls for ‘Purge’ of the FBI*, BUS. INSIDER (Dec. 26, 2017, 2:50 PM), <http://www.businessinsider.com/francis-rooney-calls-for-fbi-purge-2017-12>.

“Nunes Memo,” published by the Republicans on the House Intelligence Committee alleging that the FBI abused its power in surveilling Donald Trump’s 2016 presidential campaign.⁸²

98. Conspiracy theorists, including Defendant Alex Jones, have capitalized on this memo to bolster their theory that there is a “deep state” conspiracy to undermine President Trump and his administration.⁸³
99. Former Republican Congressman Jason Chaffetz also believes in the “deep state,” and claimed on national television that he “lived through it.”⁸⁴
100. Indeed, public servants who have been labeled “deep state” actors, such as Andrew McCabe, have already been forced out of long and illustrious careers in government service.⁸⁵
101. President Trump has expressed his belief in conspiracy theories pushed by *InfoWars* on several occasions,⁸⁶ and allegedly called Jones to thank him for helping him win the 2016 U.S. presidential election.⁸⁷ Alex Jones claims to have spoken to President Trump at least

⁸²Read the Disputed Memo Here, CNN (Feb. 3, 2018, 8:40 AM), <https://www.cnn.com/2018/02/02/politics/fbi-nunes-memo-full/index.html>.

⁸³Adan Salazer, *Deep State Death Spiral: Dems in Denial over Damning FISA Memo*, INFOWARS (Feb. 2, 2018), <https://www.infowars.com/deep-state-death-spiral-dems-in-denial-over-damning-fisa-memo/>; Kit Daniels, *Memo Destroys Fake News Claim Trump Never Spied On*, INFOWARS (Feb. 2, 2018), <https://www.infowars.com/memo-discredits-media-who-trashed-trump-over-wiretap-allegations/>; Julian Sanchez, *How the Nunes Memo Harms Intelligence Oversight*, ATLANTIC (Feb. 6, 2018), <https://www.theatlantic.com/politics/archive/2018/02/nunes-memo-impact/552368/>.

⁸⁴Joe Concha, *Former GOP Rep Jason Chaffetz on Fox: The Deep State ‘is Very Real’*, THE HILL (Jan. 3, 2018, 11:58 AM), <http://thehill.com/homenews/media/367223-former-gop-rep-jason-chaffetz-on-fox-the-deep-state-is-very-real>.

⁸⁵Julia Ainsley and Adam Edelman, *FBI Director Andrew McCabe Stepping Down*, NBC NEWS (Jan. 29, 2018, 2:13 PM), <https://www.nbcnews.com/politics/politics-news/fbi-deputy-director-andrew-mccabe-stepping-down-n842176>.

⁸⁶William Finnegan, *Donald Trump and the “Amazing” Alex Jones*, NEW YORKER (Jun. 23, 2016), <https://www.newyorker.com/news/daily-comment/donald-trump-and-the-amazing-alex-jones>; Eric Hananoki, *A Guide to Donald Trump’s Relationship with Alex Jones*, MEDIA MATTERS (May 3, 2017, 2:37 PM), <https://www.mediamatters.org/research/2017/05/03/guide-donald-trump-s-relationship-alex-jones/21626>.

⁸⁷See, e.g., Shane Goldmacher, *Alex Jones Says Trump Called to Thank Him*, POLITICO (Nov. 14, 2016), <https://www.politico.com/story/2016/11/trump-thanked-alex-jones-231329>.

three times in recent months.⁸⁸ Furthermore, *InfoWars* was granted press credentials by the White House.⁸⁹

102. As recently as January of 2018, President Trump has tweeted about his beliefs regarding the “deep state”⁹⁰ and related conspiracy theories about Democratic Party leaders:

Crooked Hillary Clinton’s top aid [*sic*], Huma Abedin, has been accused of disregarding basic security protocols. She put Classified Passwords into the hands of foreign agents. Remember sailors [*sic*] pictures on submarine? Jail! Deep State Justice Dept must finally act? Also on Comey & others[.]⁹¹

103. The President’s sons, Donald Trump, Jr. and Eric Trump, have also expressed animosity toward the so-called “deep state.”⁹² On July 7, 2017, Donald Trump, Jr. tweeted: “If there was ever confirmation that the Deep State is real, illegal, & endangers national security, it’s this. Their interests above all else[.]”



⁸⁸Adam Raymond, *Alex Jones: Trump Has Called Me 3 Times in the Last Few Months*, N.Y. MAGAZINE (Jan. 24, 2018, 3:16 PM), <http://nymag.com/daily/intelligencer/2018/01/alex-jones-trump-has-called-three-times-in-recent-months.html>.

⁸⁹Maxwell Tani, *Conspiracy Outlet InfoWars Was Granted Temporary White House Press Credentials*, BUS. INSIDER (May 22, 2017, 3:00 PM), <http://www.businessinsider.com/infowars-granted-white-house-press-credentials-2017-5>.

⁹⁰Chris Cillizza, *Donald Trump’s Assault on Law Enforcement Just Keeps Coming*, CNN (Jan. 23, 2018, 2:09 PM), <https://www.cnn.com/2018/01/23/politics/trump-fbi-analysis/index.html>; Stephen Collinson and Jeremy Diamond, *Trump Again at War with ‘Deep State’ Justice Department*, CNN (Jan. 2, 2018, 3:30 PM), <https://www.cnn.com/2018/01/02/politics/president-donald-trump-deep-state/index.html>.

⁹¹Donald J. Trump (@realDonaldTrump), TWITTER (Jan. 2, 2018, 4:48 AM), <https://twitter.com/realDonaldTrump/status/948174033882927104>.

⁹²Tina Nguyen, *Don Jr.: The Deep-State Shadow Conspiracy is Out to Get My Dad*, VANITY FAIR (Dec. 20, 2017, 3:01 PM), <https://www.vanityfair.com/news/2017/12/donald-trump-jr-deep-state-conspiracy>.

104. On January 2, 2018, Eric Trump tweeted, “Shocking . . . once again, here are the @Twitter “suggestions” of who I should follow. #DeepState.”
105. The blatant support for Defendants’ conspiracy theories among members of the highest levels of government, including the President of the United States, leaves no doubt that Mr. Gilmore’s career prospects have been seriously injured by the defamatory falsehoods about him that Defendants published.



106. It is highly unlikely that Mr. Gilmore will be able to continue engaging in diplomatic relationships on behalf of the United States when his loyalty to his country has been so profoundly questioned by the wealth of public information propagated and promoted by Defendants, emboldened by the support for their theories and validation of their outlets by the current Presidential Administration.

V. CAUSES OF ACTION

COUNT I: DEFAMATION (Against All Defendants)

107. Mr. Gilmore re-alleges and incorporates the foregoing paragraphs into **Count I** as if fully set forth herein.
108. Defendants’ statements described above (collectively, the “defamatory statements”) are false and defamatory.

109. Collectively, Defendants published to millions of viewers of *Twitter*, *YouTube*, and other platforms available to and directed at Virginia audiences, false statements, including the false statement that Mr. Gilmore was a “deep state shill with links to George Soros.” Defendants’ defamatory statements were subsequently and virally shared and republished on a wide range of websites.
110. Defendants’ defamatory statements were intended as assertions of fact and/or are defamatory by implication, as the Defendants, through the plain and natural meaning of their statements (and all inferences, implications, and insinuations fairly attributable to them), intended for their readers and listeners to accept as fact their defamatory assertions against Mr. Gilmore.
111. Defendants’ defamatory statements concerned Mr. Gilmore and had him as their primary subject. The Defendants’ defamatory statements were designed to (1) injure Mr. Gilmore’s reputation, (2) subject Mr. Gilmore to contempt and disgrace, and (3) incite harassment of and threats directed at Mr. Gilmore.
112. Defendants acted with actual malice. Their defamatory statements about Mr. Gilmore’s background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity.
113. Defendants’ statements are defamatory per se because they impute to Mr. Gilmore the commission of a criminal offense involving moral turpitude—in this instance, that Mr. Gilmore, as part of some “deep-state” conspiracy, orchestrated James Alex Fields, Jr.’s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. If true, these allegations would cause Mr. Gilmore to be indicted and punished.

Defendants' statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the U.S. State Department.

114. Defendants' defamatory statements harmed and continue to harm Mr. Gilmore both personally and professionally. Defendants are liable to Mr. Gilmore for the personal and professional harm they caused by defaming Mr. Gilmore in an amount greater than \$75,000 to be determined at trial.

**COUNTS II-IV: DEFAMATION FOR STATEMENTS PUBLISHED IN AUGUST 13, 2017 ARTICLE ENTITLED "CHARLOTTESVILLE ATTACK, BRENNAN GILMORE AND...THE STOP KONY 2012 PYSOP? WHAT?" (EXHIBITS A-C)
(Against Defendant Creighton)**

115. Plaintiff re-alleges and incorporates the foregoing paragraphs to Counts II, III, and IV as if fully set forth herein.
116. Defendant Creighton's statements concerned Mr. Gilmore and had him as their primary subject.
117. Defendant Creighton's following statements are false and defamatory:

"...Brennan Gilmore, the former State Department employee..."

This statement is false. Mr. Gilmore is, and was at the time Defendant Creighton's article was published, a current employee of the State Department on unpaid leave.

118. **"...[W]ho just HAPPENED to be at the exact right place at the exact right time already filming with his camera to capture the entire event from beginning to end."**

The plain and natural meaning of this statement is that Mr. Gilmore had advance knowledge that Fields was going to plow his car into the crowd of peaceful protesters, killing Heather Heyer. This statement is false and defamatory as an assertion of fact and/or by implication. In fact, Mr. Gilmore had no prior knowledge of Fields' attack.

119. **“And he just HAPPENED to have the pre-approved establishment message canned and ready to go for a CNN interview on the scene.”**

The plain and natural meaning of this statement is that Mr. Gilmore had advance knowledge that Fields was going to plow his car into the crowd of peaceful protesters, killing Heather Heyer. This statement is false and defamatory as an assertion of fact and/or by implication. In fact, Mr. Gilmore had no prior knowledge of Fields’ attack. Furthermore, the plain and natural meaning of this statement is that Mr. Gilmore’s remarks during the CNN interview were “pre-approved” to fit an “establishment” narrative as part of some conspiracy, and is false. Mr. Gilmore’s remarks during the CNN interview were his own, and described his own opinions about what happened in Charlottesville based on his personal observation of the events that transpired.

120. **“All this being said, is it possible this man with links to Special Ops and CIA and various other black ops kinds of actors just HAPPENED to be there at that particular moment in history? Yeah, I guess that’s possible, if you’re into coincidence theories I suppose. But I’m not into such things. Clearly the State Department has a lot of disgruntled former employees who would delight in destabilizing Trump’s tenure even more than they already have. And Gilmore, like Tom, seem particularly invested in undermining the “alt-right” in the lead-up to the next round of elections. Waaaaaay too much coincidence for me folks. Waaaaaay too much.”**

Mr. Gilmore is not a “disgruntled former employee,” as he is still an employee of the State Department. This statement is false. Furthermore, the plain and natural meaning of this statement is that Mr. Gilmore was part of a conspiracy to incite violence at Charlottesville, resulting in the death of Heather Heyer, and the injury of countless others. This is false and defamatory as an assertion of fact and/or by implication.

121. Defendant Creighton republished the same or substantially similar statements in at least two other forums, “Before It’s News” and “Scott of the Times,”⁹³ on August 13, and therefore **Counts III** and **IV** reincorporate and re-allege the same facts as **Count II** for each additional publication.
122. Defendant Creighton’s statements were designed to injure Mr. Gilmore’s reputation, subject Mr. Gilmore to contempt and disgrace, and incite harassment and threats directed at Mr. Gilmore; indeed, Defendant Creighton’s statements had their intended effect.
123. By publishing such statements, Defendant Creighton did cause harm to Mr. Gilmore.
124. Defendant Creighton acted with actual malice. His defamatory statements about Mr. Gilmore’s background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity.
125. At a minimum, Defendant Creighton’s statements were negligent.
126. Defendant Creighton’s statements are defamatory per se because they impute to Mr. Gilmore the commission of a criminal offense involving moral turpitude—in this instance that Mr. Gilmore planned or participated in James Alex Fields, Jr.’s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. If true, these allegations would cause Mr. Gilmore to be indicted and punished. Defendant Creighton’s statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the U.S. State Department.

⁹³ See, e.g., Scott Creighton, *Charlottesville Attack, Brennan Gilmore and... the Stop Kony 2012 PYSOP? What?*, SIGNS OF THE TIMES (Aug. 13, 2017), <https://www.sott.net/article/359361-Charlottesville-Brennan-Gilmore-and-the-STOP-KONY-2012-Psyop>; Scott Creighton, *Charlottesville Attack, Brennan Gilmore and... the Stop Kony 2012 PYSOP? What?*, BEFORE IT’S NEWS (Aug. 13, 2017), <http://beforeitsnews.com/opinion-liberal/2017/08/charlottesville-attack-brennan-gilmore-and-the-stop-kony-2012-pysop-what-2558822.html>.

127. As a direct and proximate result of Defendant Creighton's false statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries, and is liable for the harm he caused by defaming Mr. Gilmore in an amount to be determined at trial.

**COUNT V: DEFAMATION FOR STATEMENTS PUBLISHED IN AUGUST 13,
2017 VIDEO ENTITLED "CHARLOTTESVILLE ATTACK - BRENNAN
GILMORE: WITNESS OR ACCESSORY" (EXHIBIT D)
(Against Defendant Creighton)**

128. Plaintiff re-alleges and incorporates the foregoing paragraphs to **Count V** as if fully set forth herein.
129. Defendant Creighton's statements concerned Mr. Gilmore and had him as their primary subject.
130. Defendant Creighton's following statements are false and defamatory:

"He just happened to be there, at the specific place, where he could film the whole thing, from beginning, middle, to end. He just happened to have his camera running, he just happened for some reason to record this car driving for five seconds, before it did anything out of the ordinary, and just happened to have just the right message, just the right establishment message for CNN . . ."

The plain and natural meaning of this statement is that Mr. Gilmore was part of some alleged conspiracy to incite violence at Charlottesville, resulting in the death of Heather Heyer, and the injury of countless others. This is false and defamatory as an assertion of fact and/or by implication.

131. **"He has ties to special operations, special forces, CIA, State Department, Hillary Clinton, and Tom Perriello, who has a long career of doing this kind of thing. People will call me a conspiracy theorist because what I am suggesting here is that someone had foreknowledge, that this event was going to happen . . . This man has every reason to want to see the support, the base**

for Donald Trump again mischaracterized as Nazis. He has every reason to do that . . .”

The plain and natural meaning of this statement is that Mr. Gilmore had “foreknowledge” of Fields’ attack, Mr. Gilmore was part of a conspiracy to incite violence at Charlottesville, resulting in the death of Heather Heyer, and the injury of countless others, and that Mr. Gilmore’s recording of the attack, posting on Twitter, and statements to the press as a witness to the attack were done to “mischaracterize” Donald Trump’s base as Nazis. This is false and defamatory as an assertion of fact and/or by implication.

132. **“This guy just happens to be on that fucking corner with his camera rolling, watching that car drive by for five seconds, and he's former State Department, and close to Tom Perriello, who is also former State Department obviously, he's got a fucking ax to grind, that's one hell of a goddamn coincidence, and you got to be a special kind of stupid to buy that.”**

The statement that Mr. Gilmore is “former State Department” is false: he is, and was at the time of Defendant Creighton’s video, a current State Department employee on unpaid leave. Nor did Mr. Gilmore have a “fucking ax to grind.” The plain and natural meaning of this statement is that Mr. Gilmore was part of a conspiracy to incite violence at Charlottesville, resulting in the death of Heather Heyer, and the injury of countless others. This is false and defamatory as an assertion of fact and/or by implication.

133. By publishing such statements, Defendant Creighton did cause harm to Mr. Gilmore.
134. Defendant Creighton acted with actual malice. His defamatory statements about Mr. Gilmore’s background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity.
135. At a minimum, Defendant Creighton’s statements were negligent.

136. Defendant Creighton's statements are defamatory per se because they impute to Mr. Gilmore the commission of some criminal offense involving moral turpitude—in this instance, that Mr. Gilmore planned or participated in James Alex Fields, Jr.'s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. If true, these allegations would cause Mr. Gilmore to be indicted and punished. Defendant Creighton's statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the United States State Department.
137. As a direct and proximate result of Defendant Creighton's false statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries, and is liable for the harm he caused by defaming Mr. Gilmore in an amount to be determined at trial.

**COUNT VI: DEFAMATION FOR STATEMENTS PUBLISHED IN AUGUST 14,
2017 ARTICLE ENTITLED "RANDOM MAN AT PROTESTS INTERVIEWED
BY MSNBC, NY TIMES IS DEEP STATE SHILL LINKED TO GEORGE SOROS"
(EXHIBIT E)
(Against Defendant Jim Hoft)**

138. Plaintiff re-alleges and incorporates the foregoing paragraphs to **Count VI** as if fully set forth herein.
139. Defendant Hoft's statements concerned Mr. Gilmore and had him as their primary subject.
140. Defendant Hoft's statements are false and defamatory:

"The random Charlottesville observer who was interviewed by MSNBC and liberal outlets [Gilmore] turns out to be a deep state shill with links to George Soros."

Mr. Gilmore denies being a "deep state shill," and this statement is false and defamatory as an assertion of fact and/or by implication.

141. **“It looks like the State Department was involved in Charlottesville rioting and is trying to cover it up. But after [the] Deep State got caught they are trying to erase this guy from their records . . . The State Department is very familiar with Brennan Gilmore. He was involved in the Kony 2012 operation. The State Department later removed any reference of Brennan. Why would the State Department react in such a way?”**

The plain and natural meaning of this statement is that Mr. Gilmore was part of a government conspiracy to incite violence at Charlottesville, resulting in the death of Heather Heyer, and the injury of countless others. This is false and defamatory as an assertion of fact and/or by implication.

142. **“This weekend Brennan Gilmore happened to be in Charlottesville with the rioters. The media knows exactly who he is yet played it off like a casual observer.”**

The plain and natural meaning of this statement is that Mr. Gilmore was part of a government conspiracy to incite violence at Charlottesville, resulting in the death of Heather Heyer, and the injury of countless others. This is false and defamatory as an assertion of fact and/or by implication.

143. Defendant Hoft’s statements were designed to injure Mr. Gilmore’s reputation, subject Mr. Gilmore to contempt and disgrace, and incite harassment and threats directed at Mr. Gilmore; indeed, Defendant Hoft’s statements had their intended effect.

144. By publishing such statements, Defendant Hoft did cause harm to Mr. Gilmore.

145. Indeed, Defendant Hoft acted with actual malice.

146. His defamatory statements about Mr. Gilmore’s background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity.

147. At a minimum, Defendant Hoft’s statements were negligent.

148. Defendant Hoft's statements are defamatory per se because they impute to Mr. Gilmore the commission of some criminal offense involving moral turpitude—in this instance, that Mr. Gilmore, as part of some “deep-state” conspiracy, planned or participated in James Alex Fields, Jr.'s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. If true, these allegations would cause Mr. Gilmore to be indicted and punished. Defendant Hoft's statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the United States State Department.
149. As a direct and proximate result of Defendant Hoft's false statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries, and is liable for the harm he caused by defaming Mr. Gilmore in an amount to be determined at trial.

COUNT VII: DEFAMATION FOR STATEMENTS PUBLISHED IN AUGUST 15, 2017 ARTICLE AND VIDEO “BOMBSHELL CONNECTION BETWEEN CHARLOTTESVILLE, SOROS, CIA” (EXHIBIT F)
(Against Defendants Alex Jones; InfoWars, LLC; Free Speech Systems, LLC; Lee Stranahan; and Lee Ann McAdoo)

150. Plaintiff re-alleges and incorporates the foregoing paragraphs to **Count VII** as if fully set forth herein.
151. Defendants Stranahan and McAdoo's statements, which were published by Defendants Jones, *InfoWars*, and/or Free Speech Systems, LLC, concerned Mr. Gilmore and had him as their primary subject.
152. Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's statements are false and defamatory as an assertion of fact and/or by implication:

STRANAHAN: If you go to Brennan Gilmore's page, his Twitter page, you'll see he has a picture of the young woman who was murdered, and you know what is says? “Martyr.” . . . Literally it says “martyr.” You can't be more explicit than this. So here's what I'm saying. I'm not a conspiracy theorist,

I'm a fact-based journalist. The facts are enough. However, the Democrats have investigated Trump for a lot less. For a lot less. They have called for investigations, and secret meetings, they have convened the FBI. When you have this many things going on, I think someone really needs to investigate...

[MCADOO scrolls through Gilmore's Twitter page]

STRANAHAN: Yeah, if you scroll...keep scrolling...this is the guy, Brennan Gilmore, and if you scroll down, keep going, it's not too far, you'll see the photo of the young woman...this is abs [sic]...when I saw this, uh, I was shocked...by the way, his bio, if you look at this guy's bio, it says he's with the State Department, and the fact that he called her a 'martyr'. . . I [STRANAHAN looks knowingly at the camera, eyebrows raised, arm raised, MCADOO nods comprehendingly, laughs] don't know, but this is clearly, the way she's being used is she's a martyr to the cause...

STRANAHAN: And let me point out what's happening. They, uh, they win no matter what they do. Are they trying to get a coup? I think clearly they are. But if they can't get a coup, they'll settle for impeachment. And if they can't get impeachment, they'll settle for smearing Trump and his supporters so much that they'll be able to elect another elitists. Does that make sense?

MCADOO: Absolutely.

153. The plain and natural meaning of these statements are that Mr. Gilmore, because of his employment with the State Department, and because he posted a photo of Heather Heyer that referred to her as a "martyr" on his Twitter page, was involved in a conspiracy to exploit Heather Heyer's death to stage a coup resulting in the removal of Donald Trump as President. This is false and defamatory as an assertion of fact and/or by implication.
154. Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's statements were designed to injure Mr. Gilmore's reputation, subject Mr. Gilmore to contempt and disgrace, and incite harassment and threats directed at Mr. Gilmore; indeed, Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's statements had their intended effect.

155. By publishing such statements, Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo did cause harm to Mr. Gilmore.
156. Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo acted with actual malice. Their defamatory statements about Mr. Gilmore's background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity. At a minimum, Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's statements were negligent.
157. Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's statements are defamatory per se because they impute to Mr. Gilmore the commission of some criminal offense involving moral turpitude—in this instance, that Mr. Gilmore planned or participated in James Alex Fields, Jr.'s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others, as part of a conspiracy to stage a "coup" and overthrow a sitting president. If true, these allegations would cause Mr. Gilmore to be indicted and punished.
158. Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the United States State Department.
159. At the time the defamatory statements were made, Defendant McAdoo was an employee and/or agent of Defendants Alex Jones, *Infowars*, and/or *Free Speech Systems*.
160. Defendant McAdoo was acting within the scope of her employment and/or agency as a reporter for Defendants Alex Jones, *Infowars*, and/or *Free Speech Systems* when she authored the article, "*Bombshell Connection Between Charlottesville, Soros, CIA*" and appeared in the accompanying video by the same name.

161. Defendants Alex Jones, *Infowars*, and/or *Free Speech Systems* participated in, produced, and ratified Defendant McAdoo's conduct.
162. At the time the defamatory statements were made, Defendant Stranahan was an employee and/or agent of Defendants Alex Jones, *Infowars*, and/or *Free Speech Systems*.
163. Defendant Stranahan was acting within the scope of his employment and/or agency for Defendants Alex Jones, *Infowars*, and/or *Free Speech Systems* when he made defamatory statements about Mr. Gilmore that appeared in the article, "*Bombshell Connection Between Charlottesville, Soros, CIA*" and the accompanying video by the same name.
164. Defendants Alex Jones, *Infowars*, and/or *Free Speech Systems* participated in, produced, and ratified Defendant Stranahan's conduct.
165. Defendants Jones, *Infowars*, and/or *Free Speech Systems* are legally responsible for the acts of their employees, agents, or servants, pursuant to the doctrine of *respondeat superior*.
166. As a direct and proximate result of Defendants Jones, *InfoWars*, *Free Speech Systems*, Stranahan, and McAdoo's false statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries, and is liable for the harm he caused by defaming Mr. Gilmore in an amount to be determined at trial.

**COUNT VIII: DEFAMATION FOR STATEMENTS PUBLISHED IN VIDEO
ENTITLED "BREAKING: STATE DEPARTMENT/CIA ORCHESTRATED
CHARLOTTESVILLE TRAGEDY" (EXHIBIT G)
(Against Defendants Alex Jones; *InfoWars*, LLC; and *Free Speech Systems*, LLC)**

167. Plaintiff re-alleges and incorporates the foregoing paragraphs to **Count VIII** as if fully set forth herein.
168. Defendants Jones, *InfoWars*, and *Free Speech Systems*' statements concerned Mr. Gilmore and had him as their primary subject.

169. Defendants Jones, *InfoWars*, and *Free Speech Systems*' statements are false and defamatory:

"I did research, and I confirmed it all. They had known CIA and State Department officials in Charlottesville, first tweeting, first being on MSNBC, CNN, NBC. The mayor is involved. Everybody is a cut-out. . ."

This statement refers to Brennan Gilmore, and his distribution of the video of Fields' attack on Twitter and subsequent appearances on CNN, MSNBC, and other news outlets. The plain and natural meaning of this statement is that Mr. Gilmore works for the CIA and was a "cut-out" for an alleged CIA/State Department conspiracy to incite violence in Charlottesville. This is false and defamatory as an assertion of fact and/or by implication.

170. **"They got State Department and high-level CIA. One guy [Gilmore] is paid 320 thousand a year on the payroll of [George] Soros. He doesn't just get money from Soros, he personally is paid 320 a year, and then he is there—CIA, State Department—and he is on the news."**

Mr. Gilmore is not "high-level CIA." Nor was he paid 320 thousand a year by George Soros. These statements are false.

171. **"And when people pointed out who he was, they took his name of the State Department website and stuff, but Google has all the [screen] shots of it. I mean it's like WOW, WOW—CIA? Your senior guys? And you're so stupid on TV, "oh I saw 'm run over, I saw the races, I saw the white supremacists attack, oh I'm the guy being interviewed first . . ." He worked for Podesta too, John Podesta. I'll give you his name and stuff, we're gonna play a video of him on the news."**

Mr. Gilmore is not a CIA operative, and never worked for John Podesta. The plain and natural meaning of Defendant Jones and *InfoWars*' statements is that Mr. Gilmore was a CIA operative involved in an alleged government conspiracy to incite violence in Charlottesville. This is false and defamatory as an assertion of fact and/or by implication.

172. Defendants Jones, *InfoWars*, and *Free Speech Systems*' statements were designed to injure Mr. Gilmore's reputation, subject Mr. Gilmore to contempt and disgrace, and incite

harassment and threats directed at Mr. Gilmore; indeed, Defendants Jones, *InfoWars* and *Free Speech Systems*' statements had their intended effect.

173. By publishing such statements, Defendants Jones, *InfoWars*, and *Free Speech Systems* did cause harm to Mr. Gilmore.
174. Defendants Jones, *InfoWars*, and *Free Speech Systems* acted with actual malice. Their defamatory statements about Mr. Gilmore's background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity.
175. At a minimum, Defendants Jones, *InfoWars*, and *Free Speech Systems*' statements were negligent.
176. Defendants Jones, *InfoWars*, and *Free Speech Systems*' statements are defamatory per se because they impute to Mr. Gilmore the commission of a criminal offense involving moral turpitude—in this instance that Mr. Gilmore, as a CIA operative, planned or participated in James Alex Fields, Jr.'s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. If true, these allegations would cause Mr. Gilmore to be indicted and punished. Defendants Jones, *InfoWars*, and *Free Speech Systems*' statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the United States State Department.
177. At the time the defamatory statements were made, Defendant Jones was an employee and/or agent of Defendants *Infowars*, and/or *Free Speech Systems*.
178. Defendant Jones was acting within the scope of his employment and/or agency for Defendants *Infowars*, and/or *Free Speech Systems* when he made defamatory statements

about Mr. Gilmore that appeared in the video, “Breaking: State Department/CIA Orchestrated Charlottesville Tragedy.”

179. Defendants *Infowars*, and/or *Free Speech Systems* participated in, produced, and ratified Defendant Jones’s conduct.
180. Defendants *Infowars*, and/or *Free Speech Systems* are legally responsible for the acts of their employees, agents, or servants, pursuant to the doctrine of *respondeat superior*.
181. As a direct and proximate result of Defendants Jones, *InfoWars*, and *Free Speech Systems*’ false statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries, and is liable for the harm he caused by defaming Mr. Gilmore in an amount to be determined at trial.

**COUNT IX: DEFAMATION FOR STATEMENTS PUBLISHED IN AUGUST 19, 2017 ARTICLE ENTITLED “BOMBSHELL: NEW EVIDENCE SUGGESTS CHARLOTTESVILLE WAS A COMPLETE SET-UP” (EXHIBIT H)
(Against Defendants Allen B. West and Derrick Wilburn)**

182. Plaintiff re-alleges and incorporates the foregoing paragraphs to **Count IX** as if fully set forth herein.
183. The statements, written by Defendant Wilburn and published by Defendant West on the latter’s website on August 19, 2017, are of and concerning Mr. Gilmore.
184. Defendants West and Wilburn’s statements are false and defamatory:

“So the first man on the scene . . . just happened to be a State Department insider with a long history of involvement in psy-ops? If you think this isn’t fishy, how about this – since the Charlottesville protests and his appearance in the media, his information was suddenly removed from State Department websites. We need to clarify that these are early accounts and as yet unverified, but if true this is very, very serious stuff. It points directly to the reality of the “deep state” and more importantly to the lengths that the Soros/Clinton/Obama one-world government cabal will go in order to realize their desires for “fundamental transformation.”

The plain and natural meaning of this statement is that Mr. Gilmore, by virtue of his employment with the State Department, was involved in a conspiracy to incite violence in Charlottesville, resulting in the death of Heather Heyer, and the injury of countless others. This is false and defamatory as an assertion of fact and/or by implication.

185. Defendants West and Wilburn's statements were designed to injure Mr. Gilmore's reputation, subject Mr. Gilmore to contempt and disgrace, and incite harassment and threats directed at Mr. Gilmore; indeed, Defendants West and Wilburn's statements had their intended effect.
186. By publishing such statements, Defendants West and Wilburn did cause harm to Mr. Gilmore.
187. Defendants West and Wilburn acted with actual malice. Their defamatory statements about Mr. Gilmore's background and role in the Charlottesville protest and attack were made with knowledge of their falsehood or reckless disregard for their truth or falsity. At a minimum, Defendants West and Wilburn's statements were negligent. Defendants West and Wilburn's statements are defamatory per se because they impute to Mr. Gilmore the commission of some criminal offense involving moral turpitude—in this instance, that Mr. Gilmore, as part of some "deep-state" conspiracy, participated in or planned James Alex Fields, Jr.'s car attack in Charlottesville on August 12, 2017, which killed one person and injured many others. If true, these allegations would cause Mr. Gilmore to be indicted and punished.
188. Defendants West and Wilburn's statements also prejudice Mr. Gilmore in his profession as a Foreign Service Officer at the United States State Department.

189. At the time the defamatory statements were made, Defendant Wilburn was an employee and/or agent of Defendant West.
190. Defendant Wilburn was acting within the scope of his employment and/or agency for Defendant West when he made defamatory statements about Mr. Gilmore that appeared in the article, “Bombshell: New Evidence Suggests Charlottesville Was a Complete Set-Up.”
191. Defendant West participated in, produced, and ratified Defendant Wilburn’s conduct.
192. Defendant West is legally responsible for the acts of his employees, agents, or servants, pursuant to the doctrine of *respondeat superior*.
193. As a direct and proximate result of Defendants West and Wilburn’s false statements, Mr. Gilmore has suffered presumed damages as well as actual reputational, emotional, and professional injuries, and is liable for the harm he caused by defaming Mr. Gilmore in an amount to be determined at trial.

**COUNT X: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants)**

194. Mr. Gilmore re-alleges and incorporates the foregoing paragraphs into **Count X** as if fully set forth herein.
195. Defendants knew or should have known that their publications about Mr. Gilmore would cause him to be the subject of harassment and threats and thereby cause severe emotional distress.
196. Defendants’ decision to publish baseless false allegations while reasonably foreseeing that their actions would cause severe emotional distress is outrageous and intolerable.
197. Mr. Gilmore has experienced serious and severe emotional distress as a direct and proximate result of Defendants’ actions. Defendants’ publication of baseless false

allegations have caused Mr. Gilmore extensive personal suffering in the wake of the slew of threats and harassment that has been directed at him, as well as the irreparable damage to his professional reputation as a diplomat in the State Department and his ability to conduct business in his current company.

198. Defendants are liable to Mr. Gilmore for the emotional distress they caused in an amount greater than \$75,000 to be determined at trial.

VI. PRAYER FOR RELIEF

WHEREFORE, plaintiff Brennan Gilmore prays that this Court enter judgment in his favor and against all Defendants, and respectfully that this Court grant the following relief:

- A. An award of presumed and actual damages to compensate Mr. Gilmore for his reputational, emotional, and professional injuries, in an amount to be determined at trial;
- B. An award of damages to compensate Mr. Gilmore for his emotional distress, in an amount to be determined at trial;
- C. An award of punitive damages, in an amount to be determined at trial;
- D. An award of reasonable attorneys' fees and costs to the fullest extent permitted by law; and
- E. Such other and further relief as the Court deems just.

March 13, 2018

/s/ Andrew Mendrala
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*Pro-hac-vice admission application
to be filed*